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VOL. XXXVI., No. 52.

## The Solicitors' Journal and Reporter.

LONDON, OCTOBER 22, 1892.

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## CURRENT TOPICS.

ON MONDAY NEXT Lord HERSCHELL's first reception and procession in the Central Hall will take place; his previous Chancellorship having lasted only from the 6th of February to the 4th of August, 1886. No doubt he will receive a hearty welcome from the profession.

ON THE 19th inst., the tenth and last sitting in court for vacation business, Mr. Justice BARNES had before him a list of thirty-five cases. Of these upwards of twenty stood over until the first or second motion day in the sittings, and the few which were disposed of detained the court until six o'clock in the evening.

IN THE LIST OF APPEALS FOR HEARING IN THE ensuING Michaelmas Sittings there are 131 appeals, consisting of forty-six from the Chancery Division, eight from the County Palatine of Lancaster Court, fifty-one from the Queen's Bench Division, five from the Probate, Divorce, and Admiralty Division, three Bankruptcy appeals, and eighteen cases in the new trial paper. A year ago the total was 158.

THE CHANCERY Cause List contains 164 cases before Mr. Justice CHITTY, 178 before Mr. Justice NORTH, 162 before Mr. Justice STIRLING, 159 before Mr. Justice KEKEWICH, 71 before Mr. Justice ROMER, and 36 before Mr. Justice VAUGHAN WILLIAMS, making a total of 770 cases, of which 537 are witness actions. At the commencement of the Michaelmas Sittings a year ago the total was 670, of which 467 were witness actions. In the Queen's Bench Cause List there are 1,005 cases, as compared with 1,261 a year ago. The present list comprises 183 cases to come before a Divisional Court, 775 actions for trial (403 with juries and 372 without), and 47 bankruptcy appeals. The list for the Probate, Divorce, and Admiralty Division contains 370 cases, as compared with 394 in the same list a year ago. Of these 370 cases 104 are undefended probate and matrimonial cases, and 64 are under the Admiralty jurisdiction.

IT IS ANNOUNCED that Mr. Justice DENMAN is about to send in his resignation to the Lord Chancellor. His lordship's long term of service on the bench—he was appointed a judge of the Court of Common Pleas in October, 1872—has well earned for him a period of repose, and he will take with him into his retirement the good wishes of both branches of the profession. In the conduct of business he has been most industrious and efficient, as well as courteous and considerate, while at the same time he has worthily upheld the dignity of his order. Qualities of this kind are especially valuable in the management of criminal business, and Mr. Justice DENMAN's natural kindness of disposition has been nowhere more conspicuous than in his treatment of persons brought before him for trial. Without pretending to any special

eminence as a lawyer, he has won for himself by his character and bearing a place of his own among the judges, a place which it will be difficult to fill.

CYNICS MAY laugh, though moralists must grieve, over the discrepancies between the promises made by members of Parliament to their constituents and their votes in the House of Commons. A conspicuous example of this is afforded by an Act of last session. The fact that the subject of land transfer was brought forward during the last Parliament caused many members of Parliament to promise their constituents to do all that lay in their power to facilitate legislation for the purpose of reducing the difficulty, delay, and cost attending the purchase of land. How were these promises carried out during the last session? Every person who is even moderately well informed on the matter knows that the real danger on purchasing land is, not that the purchase-money will, owing to fraud, be paid to the wrong person, but that there is some charge on the land which is either overlooked—owing to the difficulty of discovering it, or which is not searched for—owing to the expense of the search. It appears to follow that in all cases where a new charge is imposed on land, it ought to be essential to its validity as against a purchaser that it should be registered (not in a new register, which would require an additional search, but) in an existing register which is commonly searched in. Both these principles are violated in the Private Street Works Act, 1892 (55 & 56 Vict. c. 57, s. 13), which provides for the making of certain street improvements and for charging the costs on the adjoining property, and directs the urban sanitary authority to keep a register of charges. Surely the proper course would have been to direct the charges to be registered as a land charge under the Act of 1888, or, if for any reason this was thought improper, to direct the charges to be registered in the registers already kept by urban authorities for charges of a similar nature under the Public Health Act, 1875. We venture to call the serious attention of all persons interested in land to this new burden on purchases, and to suggest that some inquiry should be made by them why those members who had promised the reform of the land laws did not oppose these provisions as to registration.

THE INTERESTING paper which we printed last week, by Mr. LAURISTON W. LEWIS, the President of the Birmingham Law Society, on "The Exoneration of Mortgaged Estates," impugns the policy of LOCKE KING'S Acts, or, to use their new title, the Real Estate Charges Acts of 1854, 1867, and 1877. Mr. Lewis approves, indeed, of their operation so far as relates to land passing on an intestacy to the heir-at-law, though simply on the ground that anything which tends to increase the personal estate at the expense of the heir-at-law is good; but he urges the absolute repeal of the Acts so far as they relate to any property passing by will. Pending this, he gives to draftsmen the following advice, with a view to excluding the operation of the Acts:—"Make it your rule, whenever called upon to prepare a will disposing of real or leasehold estate in any manner different from that in which the general personal estate is dealt with, to add to whatever provision you may make for payment of debts the phrase 'including debts, if any, secured upon real or leasehold estate,' or words to the like effect; and do not let your client persuade you to strike them out on the ground that he neither owes, nor is likely to owe, any such debts." Perhaps it is not altogether safe to set aside in this manner a principle established by the Legislature, and which hitherto seems to have been generally acquiesced in. The Act of 1854 is founded upon the notion that, when a man borrows money on real estate, he to that extent converts the real estate into personality, and what he has done in his lifetime it is not for the law to undo after his death. And, in most cases where permanent loans are contracted on the security of land, the result is fair. But the Act does not operate where the testator expresses a contrary intention, and it was held that such intention was expressed by a general direction by the testator that debts should be paid out of his personal estate. Ordinarily, however, a man does not regard debts primarily secured on his real estate as his debts in the same sense as ordinary debts

incurred for current expenses; and the Act of 1867, which provided that such a direction should not be deemed the expression of a contrary intention within the earlier Act, was based upon this idea. The common practice of throwing the real and personal estates into a mixed fund has, as Mr. LEWIS points out, restricted the operation of the Acts; but, with deference to his opinion, it can hardly be said with certainty that where they do operate they press unfairly upon the devisee. Where there are mortgage debts existing at the date of the will the draftsman will, of course, obtain specific instructions with regard to them, and also where it is probable that the testator may incur such debts. The case to be provided for is where the testator has no intention of mortgaging his estates, and where, therefore, he cannot foresee the circumstances under which this may be done. Mr. LEWIS quotes a very hard case within his own experience, in which it was obvious that the real estate ought to have been exonerated; but the circumstances were very peculiar, and it is not clear that, even apart from the Act of 1867, the testator's will would have operated equitably. The direction to pay all his debts out of specified parts of his personal estate was not intended to apply to such a debt as that in question, and its actual payment in accordance with this direction might have worked injustice. Cases so very special as this no draftsman can provide against, and it is incident to the plan of making a will executed at one date operate as though executed at another that any extraordinary dealings with property in the interval may have the effect of defeating the testator's intention. But in laying down a general rule for the payment of future mortgage debts, where it is impossible to foresee the circumstances under which they may be created, it is perhaps better for the draftsman to adopt the principle embodied in the Real Estate Charges Acts, at any rate until further discussion has shewn that principle to be wrong.

A SOMEWHAT significant fact stated in the last report of the Inspector-General in Bankruptcy upon the working of the Bankruptcy Act, which has hitherto escaped discussion, is that, whilst the number of bankruptcies shew an increase of 205 over the previous year, viz., 4,216 against 4,011, arrangements by deed between debtors and their creditors were less by 89, viz., 3,008 against 3,097. Now the Board of Trade are, or assume to be, under the impression that the statistics under these two heads account for practically the whole of the insolvency of the country. We have on a former occasion, when discussing the previous report of the Inspector-General (35 SOLICITORS' JOURNAL, p. 690), expressed our opinion that this impression is an entirely erroneous one, and that private arrangements without any deed at all have been, ever since the Deeds of Arrangement Act, 1887, came into force, very frequently resorted to, and we have no doubt that if statistics could be obtained as to these arrangements they would throw a very different light upon the amount of insolvency which takes place. We also expressed an opinion that as practitioners become more familiar with the method of carrying out such arrangements, and gained confidence therein by the experience of success, such arrangements would become more and more frequent. It appears to us that the figures we have quoted at the commencement of these remarks fully bear out our contention, otherwise it is difficult to reconcile the fact of a decrease in the number of deeds of arrangement with the admitted fact of there being a large increase in the cases of insolvency owing to the great depression in trade arising, in the words of the Inspector-General, from "what has been described as the 'Baring Crisis,' together with the collapse of business and credit in connection with the South American trade, and the effect produced on certain branches of industry by the sudden and heavy increase of the import duties levied in the United States of America." We observe that Mr. PYBUS, in his excellent paper upon the subject of "Officialism, with special reference to bankruptcy," read at the recent annual provincial meeting of the Incorporated Law Society, dealing with the statistics with regard to registered deeds of arrangement for the years 1888, 1889, and 1890 (the figures for 1891 had not then been officially published so as to enable him to deal with them) also called attention to the fact, and suggested that the Council of the Incorporated

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Law Society "should consider whether it would not be well, by the aid of the provincial law societies, to try to obtain approximately in respect of the years 1888, 1889, 1890, and 1891 statistics with regard to private arrangements similar to those above given with regard to registered deeds." The suggestion is a good one, and we have little doubt that the result would be conclusively to prove that the congratulations indulged in by the Inspector-General as to the success of the Bankruptcy Act in checking the number of insolvencies in the country is ill-founded, or at least considerably overdone. Of course, where the arrangement consists of a *cessio bonorum* by the debtor, and his assets are of a complicated nature, or where it involves his continuing his business under the inspection of some one or more person or persons on behalf of the creditors, it is not generally found practicable to avoid the necessity of a deed duly registered to make it valid. And so we find that the 3,008 deeds registered in the year 1891 are thus classified by the Inspector-General:—

Assignments for benefit of Creditors	...	...	2,269
Compositions with Trustees	...	...	203
Compositions without Trustees	...	...	361
Assignments or Deeds of Covenant with view to Payment of Composition	...	...	111
Absolute Assignments with no Trustee	...	...	23
Deeds of Inspectorship with Letter of Licence, &c., with no Trustee	...	...	41
Total			3,008

It will thus be seen that only 18.75 per cent. of the total number of deeds registered related to simple composition arrangements—whether with or without trustees. Seeing the great preference entertained by creditors for composition arrangements where it is possible to obtain them, it is obvious that this percentage cannot in any way account for the number of those arrangements entered into, especially when we consider the difficulty, amounting almost to impossibility, of carrying a scheme or composition under the provisions of the Bankruptcy Act, as is evidenced by the fact that in 1891 only 1.56 per cent. of the total number of cases where receiving orders were made resulted in schemes or compositions being successfully carried through all the complicated machinery provided by that Act, whereas in the last year of the Act of 1869 the percentage of compositions to the total of insolvency cases was 34.34 and of schemes 53.43.

A CURIOUS result of the limited jurisdiction of county courts in equitable matters was revealed by the decision of the Court of Appeal in the recent case of *Foster v. Reeves* (1892, 2 Q. B. 255). Since *Walsh v. Lonsdale* (31 W. R. 109, 21 Ch. D. 9) it has become a commonplace that an agreement for a lease, of which specific performance would be decreed, is for practical purposes equivalent to a lease. If the tenant is in possession he would at law be merely a tenant from year to year, but in equity he holds on the terms of the agreement. Hence under the Judicature Acts, since the rules of equity prevail, the equitable estate is all that need be considered. But this is on the assumption that the old courts which separately administered law and equity have been united. There is only one court, said *JESSEL*, M.R., in the case last mentioned, and the equity rules prevail in it. And in *Swain v. Ayres* (36 W. R. 798, 21 Q. B. D., at p. 293) Lord *ESHER*, M.R., said, "The distinction between law and equity is now abolished, in the sense that the same court is to give effect to both, and that when the doctrines of law and equity conflict the latter are to prevail." In *Foster v. Reeves* an attempt was made to apply the principle of *Walsh v. Lonsdale* to an action brought in a county court on an agreement for a lease. The tenant had given notice and quitted possession, as though he was a tenant from year to year. The agreement he had signed was for three years. A claim was made against him in the county court for a quarter's rent said to have become due under the agreement after he quitted possession, and it was urged that he must be regarded as holding on the terms of the agreement. But this assumes that the county court would be able to enforce the agreement, which, as the value of the house was over £500, it could not do. In the absence of power to pronounce a decree for specific performance it could hardly go out of its way to inquire whether

such a decree would be made by the High Court. Clearly the rule in question requires that the court which is to regard the agreement as equivalent to a lease must be one which could itself, by decreeing specific performance, turn the agreement into a lease, and so the Court of Appeal held.

#### THE DEPRECIATION OF TRUST SECURITIES.

THE depreciation of mortgage securities is a matter which frequently causes very great trouble to trustees, and it is curious that there should be so little judicial authority to serve as a guide for them. The circumstances under which such an investment must be made are, of course, well known. Happily they have been expressly defined by the Trustee Act, 1888. The trustees must first get a report of the value of the property by a person whom they reasonably believe to be an able practical surveyor or valuer, whether carrying on business in the locality where the property is situated or elsewhere, and he must be instructed and employed independently of any owner of the property; they may then, whatever be the nature of the property, advance up to two-thirds of the value stated in the report, the surveyor or valuer at the same time therein expressly advising the loan. If they conform to these statutory requirements they are safe; but, of course, any deviation from them is at their own risk.

But although the way is perfectly clear when an investment has to be made in the first instance, it is by no means so easy for trustees to settle how to act when they find that an existing security has, through depreciation of the property, become inconsistent with the two-thirds rule. In the first place, they ought not without good reason to call in a satisfactory security, especially when it is a mortgage. Such securities ought, as far as possible, to be left untouched. "The court," it was said in *Hovee v. Earl Dartmouth* (7 Ves., at p. 150), "would not permit a real security to be called in without an inquiry whether it would be for the benefit of every person." On the other hand, if a security has depreciated, it is the duty of the trustees to call in so much of the money as is not "adequately covered" by it: *Harrison v. Thexton* (4 Jur. N. S. 550). That case, however, leaves it perfectly unsettled when an existing security is to be regarded as "adequate," and upon this point the only authority appears to be the decision of *NORTH*, J., in *Re Medland* (41 Ch. D. 476).

There trustees were in possession of three mortgages for sums of £2,000, £1,550, and £2,400, the mortgagors' names being *HARDY*, *SMITH*, and *WORMSLEY* respectively. The mortgaged property in each case was agricultural land, some freehold and some copyhold, and since the mortgages were made the land had become considerably depreciated in value. The interest, however, had been paid by the mortgagors. Ultimately the trustees instructed a surveyor to report on the value of the properties, and in his report, made on the 1st of October, 1888, he estimated the value of the property comprised in *HARDY*'s mortgage (for £2,000) to be £1,840; the value of the property comprised in *SMITH*'s mortgage (for £1,550) to be £1,665; and the value of the property comprised in *WORMSLEY*'s mortgage (for £2,400) to be £2,340. He advised that they were good securities for £1,350, £1,400, and £1,800 respectively. Under these circumstances it was, of course, clear that the mortgages had become inadequate securities, and that some step should be taken to reduce the amounts, but the trustees differed as to the extent to which it was necessary to do this. One of them, the plaintiff in the case, desired that all three debts should be at once called in with a view to reducing them in each case to a sum not exceeding two-thirds of the actual value of the properties on which they were secured. The others, the defendants, wished to adopt the valuer's estimate of the amounts which might be properly left outstanding. To settle the difference between them the assistance of the court was invoked.

The first point to be noticed in *NORTH*, J.'s treatment of the matter is that he quite repudiated the contention that under such circumstances the two-thirds rule was to be inflexibly applied. The precautions which are necessary on the creation of a security do not apply to its continuance, the margin required in the first instance being expressly meant to provide for fluctuations in value. If, then, such fluctuation takes place, pro-

vided it be not too great, this simply shows the advantage of having an existing margin, not that the debt should be called in and a fresh margin made. Thus NORTH, J., said:—"Consulting a lawyer as to what the legal liability and legal position of the trustees would be, if they had money in hand and were going to lend it, would, as it seems to me, go a very short way towards ascertaining what they ought to do with respect to a particular fund already invested." And he characterized as unreasonable the view of the plaintiff, that the only thing to be done was to proceed at once to call in so much of the mortgage money as would leave the amount outstanding in conformity with the two-thirds rule. "It is impossible to say that whenever a mortgage security depreciates in value that must be right." And, again, "One of the reasons why a margin of one-third is required in the case of a mortgage of freehold estate is to provide for fluctuations in the value of the property." Hence he did not think that the fact that such a diminution had taken place in the value of the property as made the mortgage debt a little more than two-thirds of the value was a reason why the mortgages should be at once called in.

This, however, only refers to slight fluctuations in value, fluctuations which are well covered by the margin, and which do not practically interfere with the security of the trust estate. It is still necessary to consider what is the duty of the trustees when the fluctuations are of greater extent; and, of course, the preliminary question to be decided is whether this is in fact the case, so that the trustees are bound, if possible, to take some steps to protect the estate. But as there is no longer any hard-and-fast rule to be observed, all that can be said is that the trustees must, to the best of their judgment, act for the benefit and security of the estate, and, if they do this, the court would hardly hold them liable for any loss that might subsequently occur. On the one hand, the security ought not to be unnecessarily disturbed; on the other hand, the safety of the estate must not be materially hazarded. Between these two principles they must exercise a *bona fide* discretion.

Suppose, then, that they come to the conclusion that the depreciation is too great for safety, and that some steps ought to be taken, it still remains to consider whether any, and what, steps are expedient. It may be better to leave things as they are than to risk an actual loss. One important point, to which NORTH, J., called attention, is the probability that if the debt is called in, a sufficient part will be, in fact, paid without further proceedings. "If," he said, "the mortgaged property had become of no more value, or of less value, than the amount of the mortgage debt, and the mortgagor was dead insolvent, so that no remedy could be had against him, the question what ought to be done would be very different from what it would be if the mortgagor were alive, and were a wealthy solvent man, who could and would pay the money at once, if required to do so." And the learned judge laid down a rule which, though indefinite, is the only one that can be applied in such a case:—"The matter must be dealt with by practical men in a practical way. They must consider what is expedient to be done at the time."

And even if the mortgagors are apparently solvent, there may be other circumstances which render it inexpedient to press upon them a demand for payment. Of this the present case furnishes an instance. One of the mortgagors, HARDY, was not himself in possession, the property being let to tenants who paid their rent, that rent being more than sufficient to pay the interest in full. Here there was no reason for not requiring the mortgagor to reduce the debt. Whatever effect such pressure might have, the trustees would be in exactly the same position with regard to the mortgaged property. But the other mortgagors were in occupation of the property, and it might, as NORTH, J., pointed out, be very much worse for the trust estate as a whole to require them to reduce the mortgage debt, if the result should be that they could not continue occupying the property, and if it were thrown without tenants upon the hands of the trustees. This was a matter for inquiry; though, if the amount of the debt could be reduced without practically injuring the security, it certainly, he said, should be done. In the result he directed an inquiry in chambers to decide what course ought to be taken with respect to each of the three mortgages.

The whole of the judgment is eminently characterized by common sense, and there seems to be no reason to doubt that the principles which it lays down are sound. Hence it appears that, in considering the advisability of calling in an existing security, the trustees are entitled in the first instance to disregard any fluctuations in value which do not materially endanger the safety of the trust estate, but if the depreciation exceeds this limit, they ought *prima facie* to call upon the mortgagor to reduce the amount of the mortgage debt; at the same time they should not do this if there are circumstances in the case which shew that such a course would be likely to prejudice their rights against the land. In any event, the law requires that they should act, not according to any fixed rule, but as practical men, with a view to the benefit of the trust estate, and it will not hold them liable for any loss that may result from the exercise of a *bona fide* discretion, assuming them, of course, to be men of ordinary business capacity.

### THE WORKING OF THE WINDING-UP MACHINERY.

#### III.

It is to be hoped that the rumours that Mr. Justice VAUGHAN WILLIAMS will shortly cease to be the winding-up judge are unfounded, for he has done his work very well, considering that his only previous experience in company matters was acquired during his sittings as long vacation judge before the Companies (Winding-up) Act, 1890, came into operation. The learned judge has, moreover, by his courtesy and modesty, overcome the small amount of prejudice which at first existed at the Chancery bar against the change of tribunal effected by the Lord Chancellor's order of the 26th of March, 1892. It may be that in the beginning he was inclined to look at matters too much from a bankruptcy point of view, and to treat the judgments of Chancery judges as if they had been decisions on Acts of Parliament repealed *in toto* by the Act of 1890; but a very few weeks' experience of winding-up practice seems to have satisfied him that there is much to be said in favour of many of the old decisions—and who would say they could all be supported? For instance, he has intimated that he is still open to conviction that the old rule as to the costs of persons supporting or opposing a winding-up petition is right, and he has not fulfilled the prophecy that there were to be "no more supervision orders."

Mr. Justice VAUGHAN WILLIAMS no doubt regards with favour the watchful care which the Board of Trade and the official receiver bestow on the interests of the unsecured creditor, and he has shewn a little jealousy of the retained jurisdiction of the judges of the Chancery Division with regard to debenture-holders' actions; but he has held an even hand between the official and the ordinary litigant, even when the latter has been a debenture-holder. Now that Lord HALSBURY has given the go-to rule 14 (3) of the Companies (Winding-up) Rules, 1892, by transferring debenture-holders' actions to Mr. Justice VAUGHAN WILLIAMS—a course of proceeding which will probably become general (see the Rules of August, 1892)—his lordship will no longer have cause to complain, as he did on one occasion, that he is not in such a strong position, when there are such actions pending, as that occupied by the judges of the Chancery Division.

The only matter with respect to which it can be said positively that Mr. Justice VAUGHAN WILLIAMS has gone wrong was with regard to public examinations, but the jurisdiction was brand-new in company law, and if he failed the Court of Appeal did not shew to its usual advantage.

It is interesting now to look again at the report of the Bar Committee on the subject of the (then proposed) new winding-up tribunal. The fears of the committee that business would be at a standstill when the winding-up judge went on circuit have to some extent, but not entirely, been justified. It was supposed that the whole jurisdiction would then be transferred to the judge who happened to be at the Queen's Bench Chambers for the day, but when Mr. Justice VAUGHAN WILLIAMS went on circuit his jurisdiction was transferred to a Lord Justice of Appeal, who appears to have had enough leisure to attend to the urgent business properly. There must, however, have been

some cases with the details of which Mr. Justice VAUGHAN WILLIAMS was particularly acquainted, and which required his personal attention. But on the point of the judge not having had previous practical experience, we think the committee's prognostications have not been realized. The judge has by care and industry, and with the assistance of a competent staff and an experienced bar, made up for any lack of experience. Nothing decided by Mr. Justice VAUGHAN WILLIAMS on the Act of 1862 is so startling as the decision of an experienced judge of the Chancery Division that at each first meeting the creditors or contributors must be unanimous in nominating a liquidator in order to avoid a "difference" within the meaning of section 6 of the Act of 1890.

It remains to be seen what the result will be of disregarding the suggestion of the committee that public examinations should be taken before the judge himself. The practice now is to order these examinations to be held before the registrar; and it is not unlikely that the time he devotes to them will seriously interfere with his multifarious duties as registrar, chief clerk, judge in chambers, master, and taxing master under the rules of 1890, 1892, and August, 1892. If it is found that all these things are too much for one registrar, another one will, no doubt, be shortly appointed. Perhaps the chief benefit arising from the recent changes is uniformity in the practice. There were considerable differences in the practice as followed in the chambers of the judges of the Chancery Division—especially in cases of winding up under supervision. In some cases liquidation under supervision meant voluntary liquidation; in others it involved much of the trouble and expense of compulsory winding up. Under one judge this discrepancy has ceased to exist.

#### A READING OF THE NEW STATUTES.

The Weights and Measures (Purchase) Act, 1892 (55 & 56 Vict. c. 18).

This Act is intended to enable the council of a county or borough to purchase franchises of weights and measures. At present the local authority has under the Weights and Measures Act, 1878 (41 & 42 Vict. c. 49), the duty of appointing inspectors of weights and measures, who, for purposes of inspection, are empowered to enter shops and other places where weights and measures are used; and persons who use weights and measures which are false or unjust are liable to penalties. But the Act had a saving clause (section 69) in favour of the authority which any person or body corporate or court leet might have "for the examining, regulating, seizing, breaking, or destroying any weights, balances, or measures within their respective jurisdictions." This authority the authors of the present Act describe as a franchise, but the term seems to be incorrect. A franchise is a right of the Crown which has been delegated to the subject, and such rights include the right of holding a fair or market. But the control of weights and measures is one of the numerous matters affecting the everyday life of the community which was within the jurisdiction of the court leet, and such jurisdiction appears to have been established by custom, and not by grant from the Crown. So clearly, indeed, was it vested in the court leet that even a lord of a manor could not acquire it by prescription (Ritson's Court Leet, p. 65). And where the custom does exist, it may lawfully authorize the leet jury to break and destroy measures found by them to be false: *Willcock v. Windsor* (3 B. & Ad. 43). Whether, however, the authority in question is properly described as a franchise or not, the present Act empowers a county or borough council, where they are the local authority for the execution of the law relating to weights and measures, with the approval of the Board of Trade, to purchase by agreement all the powers and authorities of a franchise owner within their area, and on any such purchase being completed the powers and authorities purchased will cease to be exercised. Where, as appears to be the usual case, the authority is in a leet jury, it will, perhaps, be rather difficult to discover who the owner is. A notable example of the authority exists in the case of the court of burgesses of Westminster, which is now regulated, so far as relates to the appointment of inspectors of weights and measures and their powers, by 24 & 25 Vict. c. 78. The present Act incorporates the Lands Clauses Acts except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and the franchise is to be deemed land within the meaning of those Acts.

There was a rumour on Thursday that Sir W. G. F. Phillimore, Q.C., is to be the new judge.

#### REVIEWS.

##### BOOKS RECEIVED.

A Treatise on Equity Jurisprudence as administered in the United States of America; adapted for all the States. And to the Union of Legal and Equitable Remedies under the Reformed Procedure. By JOHN NORTON POMEROY, LL.D. Second Edition. By CARTER PITKIN POMEROY and JOHN NORTON POMEROY, Jun., of the San Francisco Bar. In Three Volumes. San Francisco: Bancroft-Whitney Co.

#### CORRESPONDENCE.

##### TITHE RENT-CHARGE.

[To the Editor of the *Solicitors' Journal*.]

Sir,—Referring to the Commutation of Tithes Act, 1836 (6 & 7 Will. 4, c. 71), I shall be obliged if you or some of your readers will give their opinions and views as to who is the owner liable for payment of tithe rent-charge under the Tithe Act, 1891, in the following cases:—

(1) Where a freeholder grants a lease (for a long term) of a piece of land at its full annual value, and subsequently the lessee erects buildings thereon.

(2) Where a freeholder agrees to grant a lease (for a long term) of a piece of land at the full annual value thereof, but does not grant the lease until after the houses are erected, and includes the houses in the lease at the rent agreed upon as the value of the land. N.

October 19.

[By section 9 (1) of the Act of 1891 the term "owner of lands," as used in that Act, is subject to the definition of section 12 of the Act of 1836. Having regard to the words of this latter section, it would seem that, in the first case, inasmuch as, at the time the rent was reserved, it was "not less than two-thirds of the clear yearly value of the premises comprised" in the lease, the lessee comes within the exception, and the lessor alone is liable. In the second case this is not so, and the lessee and lessor are liable jointly.—ED. S. J.]

#### CASES OF THE WEEK.

##### Before the Vacation Judge.

*Re GWENDRAETH VALLEYS RAILWAY CO.*—19th October.

RAILWAY COMPANY — RECEIVER — JUDGMENT CREDITOR — RAILWAY COMPANIES ACT, 1867, s. 4.

This was a petition that the directors and secretary, or some other fit and proper person, might be appointed receivers and managers of the undertaking of the Gwendraeth Valleys Railway Co. The company was incorporated in 1866. Portions of the railway had been completed under the powers in the Act, and are open for public traffic, and are now being worked by the company. The remaining portions of the railway mentioned in the Act had been abandoned. On the 12th of October, 1892, the petitioner recovered judgment against the company for a debt due upon a contract entered into after the passing of the Railway Companies Act, 1867, and costs. The petition alleged that the judgment debt and costs had not, nor had any part thereof, been paid to the petitioner, and the judgment was still in force and wholly unsatisfied. It was stated that in these cases it is the practice to appoint the directors and secretary.

BARNES, J., made the order asked for.—COUNSEL, *Ugjohn; Larington; Solicitor, Dommett.*

[Reported by V. DE S. FOWKE, Barrister-at-Law.]

*Re STILL*—19th October.

SOLICITOR — TAXATION — ORDER OF COURSE — DISCHARGE OF — IRREGULARITY — VACATION BUSINESS — COSTS — R. S. C., LXX., 1, 3.

This was a motion that an order of course for the taxation of a solicitor's bill might be discharged with costs for irregularity. When the motion came on on the 12th of October an objection was taken that the notice of motion did not disclose the grounds of objection, as required by ord. 70, r. 3, which provides that, where an application is made to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated in the summons or notice of motion. In opposition to this preliminary objection it was urged that the grounds of objection were given fully in the affidavits filed in support of the motion, but Barnes, J., ordered the motion to be amended, and the amended notice of motion came on to-day. The amended notice of motion stated that the objections to be insisted on were that there was in fact no retainer; that such retainer, if any, was disputed; that the bills referred to had been paid more than a year before the petition; that the petitioners had released any right to have the bill taxed; that no order for taxation of the bills could be made except upon special application; that the order was obtained by the suppression of material facts; and that there were no grounds upon which the order could properly have been made, and the

same was in fact made without jurisdiction. In support of the motion it was stated that the bills were settled nine years ago, and the proper course would have been for the applicants to have taken out a summons, and not to have proceeded *ex parte* to obtain an order of course, and Dan. Chan. Prac., 6th ed., p. 2005, and *Holland v. Gwynne* (8 Beav. 124) were referred to, shewing that a party who obtains an order of course does so at his own peril, and that an order of course irregularly obtained will be discharged for irregularity, though it may appear that the party might, on special application, have obtained that very order, or one with very small variations. The case was vacation business, because if the solicitors neglected to obey the order for delivery and taxation within the time limited they were liable to process of execution for the purpose of compelling them to obey the order. For the petitioners who had obtained the order it was contended that there had been no proper payment, but only retainer of the money, and that the beneficiaries who had executed the release in 1883 had not proper independent advice. The chief question, however, argued was the question of costs. The petitioners who had obtained the order to tax and deliver contended that the order irregularly obtained should be discharged without costs, and in support of this contention the following cases were cited:—*Baillie v. Goodwin & Co.* (34 W. R. 787, 33 Ch. D. 604) and *Petty v. Daniel* (35 W. R. 151, 34 Ch. D. 172). In *Baillie v. Goodwin & Co.* the notice of motion did not state the objections intended to be relied on, in pursuance of ord. 70, r. 3, and North, J., said that he should set aside the service of the writ, but without costs, for several reasons, but chiefly because the defendants had not complied with ord. 70, r. 3, and he was not disposed to say that parties should have costs who had not complied with the rules. The cases cited by the applicants for the discharge of the order were decided under the old practice prior to the Judicature Acts, and they were relying on a technicality—namely, that there ought to have been a summons instead of a proceeding *ex parte*. There had been irregularities on both sides, and therefore no order should be made as to costs. The amended notice of motion, the petitioners further said, contained objections which were not to be found in the affidavits. The applicants said that the petitioners could have obtained information as to the grounds of objection from the affidavits. They said, first, that there had been no irregularity; secondly, if there had been, the court had a discretion to condone it (*Petty v. Daniel*).

BARNES, J., said that it had been practically conceded that the order had been obtained under circumstances which would not enable it to stand, and he could not treat it as regular. The question, then, was as to the costs. The objection made to the notice of motion—that it did not state the grounds of objection—was extremely technical. The affidavits set out the grounds of objection. The order must be discharged, with costs in favour of the applicants.—COUNSEL, *Bouyefield, Q.C.*, and *Blakesley, Marten, Q.C.*, and *Onward, SOLICITORS, Trouer, Freeling, & Parkin; R. Chapman.*

[Reported by V. de S. FOWKE, Barrister-at-Law.]

### County Courts.

**ROBERTS v. MAYO**—Kingston, 7th October.  
LIABILITY OF INNKEEPER FOR CUSTODY OF BICYCLES.

This was an action brought by James Roberts against Mr. John Mayo, landlord of the Castle Hotel, East Molesey, for £22, the cost of a bicycle stolen from the Castle yard whilst plaintiff was staying at the hotel, and expenses. Plaintiff stated that on the 3rd of July he and two friends rode on bicycles to East Molesey, and proceeded to the Castle Hotel. When they reached the hotel they asked a waiter who came out of the bar where they could put their machines, and he directed them to the ostler. They suggested that the coach-house would be the safest place, but the ostler said they would be in the way there, and directed them to place the bicycles against the wall in the open yard, where they left them. A few hours afterwards witness discovered that his bicycle was stolen. Defendant said he gave his men instructions not to take charge of bicycles unless the owners were going to dine at the hotel, or had given notice of their intention to come and spend the day in the neighbourhood. The large party of which plaintiff was one notified their intention of coming by rail, consequently he made no provision for the storage of machines. By His Honour: The coach-house was the proper place for cycles when they were taken in. The ostler was called and said he never told the plaintiff his bicycle would be safe in the yard, he simply said he could put it there (pointing to a corner) if he liked. Counsel for the defendant said an innkeeper was not bound to take in whatever was brought to him. His Honour: Indeed he is. The words are "goods and chattels." Counsel: Then, according to your honour's ruling, a person might bring with him a load of furniture, or a party might travel to the hotel on camels or elephants and the landlord would be bound to take them all in. His Honour: Yes, I have no difficulty about that. Proceeding, counsel for the defendant urged that the plaintiff had shewn a want of ordinary and reasonable care in intrusting the machine to the ostler without first communicating with the landlord. He was, at any rate, guilty of contributory negligence in leaving the bicycle in an open yard.

His Honour Judge LAMINGTON said plaintiff very naturally did as the ostler suggested. It was not necessary that plaintiff should have spoken to the landlord. The ostler was kept to look after the yard.

The jury gave a verdict for the plaintiff for £15, and his honour, in entering judgment accordingly, said he was fully indorsed the view they took of the case.—COUNSEL, *P. Mole; Scarlett.*

[From the *Wimbledon and District Gazette*.]

### FICTITIOUS TRADING NAMES.

By F. K. MUNTON.

The legal and medical professions, the clergy, and those engaged in civil or military service are all subject to some kind of registration accessible to the public, and such bodies as the stockbrokers, the surveyors, the accountants, and a few others are separating themselves from the less particular people of their order. Our own profession is unmistakably identified, as, apart from the official roll, publications under legal auspices equally define those who compose the firm which the president himself represents, as the youngest member of the craft. Outside the professions and occupations on the fringe of them, there is the great trading community, who, as a whole, have no system of registration, and are under no control. In this country, where people too often fail to distinguish between liberty and license, there is no law, so far as I am aware, which precludes any person, however much out at elbows, calling himself anything he pleases, from, say, *Smith & Co.*, to some such extravagant designation as the "Buckingham Palace, Balmoral, and Osborne Bank," or "The Houses of Parliament Loan Society." It would be easy to write an essay on the use and abuse of the word "bank." From the shabbiest of Shylocks to the Bank of England itself, the word is in common use, and many doubtful transactions have had their origin in the misleading impression created by the wholesale appropriation of this title. Some years ago I was consulted by a North of England clergyman, since deceased, under the following circumstances. An advertisement extensively circulated in Yorkshire papers pointed out the advantages to would-be borrowers applying to a society which called itself by some such high-sounding title as the "Nelson Column Philanthropic Loan Association," giving the address as "Trafalgar-square, London." The clergyman in question applied to the person subscribing his name as secretary, and received back an elaborately and handsomely got-up circular, headed with an illustration of evenly-balanced scales, and surrounded by other time-honoured pictorial indications of fair dealing. The point of the circular was to apprise all comers that they could borrow a hundred pounds on personal security with but slight inquiry, the tone tending to inspire an impression that the institution was mainly formed to relieve a philanthropist of his surplus capital. The applicant being highly pleased at the very modest conditions, despatched the needful form, to which came a reply even more elaborate and costly in its get-up, stating that the references were quite satisfactory, that the fund was ready, and that the applicant had only to state whether he desired the money sent by cheque or otherwise. The borrower naturally acceded to the remittance being by cheque, whereupon another beautifully embossed reply came stating that the "board" of this precious institution had passed a resolution that it "facilitated book-keeping" when the full loan was sent to the applicant, he remitting a year's interest separately by postal order. The unwaried clergyman sent off £5, and it is hardly necessary to inform an assemblage of lawyers that this closed the transaction, neither the cheque for the £100 loan nor an acknowledgment of the £5 interest ever being received. It was at this stage that the papers came to me. The borrower, who knew little of London, was, however, acquainted with Trafalgar-square, the fountains, and the Landseer lions, and he associated all these with the philanthropic society in question. The body of the address was printed in remarkably large and striking type, but there was a small capital letter "B" after the word London, which to the initiated supplied a key to the situation. Trafalgar is a common name appropriated to several London streets, and there is more than one Trafalgar-square, notably one in a humble district eastward of Whitechapel, where the annual rents of the whole of the houses put together about equal the waiters' fees at one of the colossal hotels overlooking the Trafalgar-square so well known to us and our country cousins. I, as a London man, of course guessed that the whole affair was centered in the letter B. However, I posted off to the obscure spot in question, on arriving at which I was informed by the landlady of the house that about a score of gentlemen had been there on that very day inquiring what had become of postal orders. The only information which she could afford was that, some two months previously a man, an entire stranger to her, had engaged a room for a few weeks at three shillings per week, paid in advance in lieu of references, and that he had suddenly gone, leaving no trace of his whereabouts. Although the man had decamped, it subsequently appeared that one of the sufferers through this swindle, based on fictitious and high-sounding names, had in some way or other followed the scamp who planned it, leading to his being brought to justice with a sentence of well-deserved hard labour. It may be said that scarcely any system of registration of real identity of a person calling himself an institution such as this would exclude similar robbery quickly performed, but if the registration of imaginary names were based upon some such official lines as the registration of trade-marks, it would be much more difficult for these fraudulent operations to be carried on. Nobody would suggest that the present partners of an established house of business should be deprived of the benefit or the value of the name of the originator of the concern, or by which it had achieved a reputation. But I venture to suggest that if Smith deliberately starts a new business in the name of (say) Jones & Co., he neither directly nor indirectly having any concern whatever in the name of Jones, it is *prima facie* evidence of *mala fides*, at all events sufficient to make it not unreasonable for such person to be called upon to submit to the process of registering the fact that the "firm" consisted entirely of himself. I will give two other examples of the misuse of names which I have had occasion to personally investigate. A few years back almost everyone happening to have his name in the London Court Guide was inundated at the breakfast-table with circulars emanating from certain outside brokers calling themselves A., B., C., & Co., shewing how fortunes were made by

dealing with them, the real and sole representative being one X. By dint of extensive advertising, a considerable connection, not only of a speculative nature, but ordinary broking business, ensued. A west-country friend of mine instructed this so-called firm to sell out certain stock actually held. A., B., C., & Co. obeyed the order to sell, but the proceeds were not forthcoming, and I was instructed to apply for the money. Judgment was obtained, and the office chairs and tables of the "firm" were seized, we being just lucky enough to get the benefit of our execution prior to the bankruptcy, which fully exposed that X. was a person who had for many years been practically insolvent, but had advertised himself into appreciable business. The assumed name alone attracted his victims, the designation chosen bordering upon (without being exactly similar to) that of a well-known respectable dealer. Another and perhaps more curious case from a solicitor's point of view was that of a person whose real name was Z., extensively advertising himself as Brown, Jones, & Co., debt collectors and general agents. It is said that an eminent judge once remarked from the bench that experience taught him that "general agent" was often synonymous with "general swindler," and certainly in the case before me it was so. This *soi-disant* firm sent its circulars and advertisements broadcast throughout the kingdom, and a country gentleman was indiscreet enough to intrust them with the collection of about £40. The money was collected, but not a penny of it found its way into the pockets of the client, and I was instructed to sue. Judgment was signed, but, the debt being under the minimum sum on which to found bankruptcy proceedings, and the real person trading as Brown, Jones, & Co. always keeping in the background, it was very difficult to proceed, the "firm's" tangible effects being absolutely nil. An incident occurred more remarkable than anything within my experience. The people in question, in reply to my demands, had the impudence to write and ask for time to pay the money thus collected, on the ground that in periods of severe depression a little grace was always expected! All of us here know what kind of grace would be dealt out to our profession had we collected a debt in this fashion and withheld the money on such a flimsy appeal. I know that many persons think that legislation cannot be undertaken for those whom Carlyle described to be the bulk of the population of this country, when he said that the inhabitants of Great Britain numbered some forty millions, "mostly fools"; but the freedom of advertising might be counteracted by some official resource for searching and identifying the advertiser. It is known to some of those present that in the principal commercial countries of Europe stringent (possibly too stringent) regulations exist covering the position touched upon in this paper, absolutely fictitious trading names being practically unknown on the Continent. Englishmen are proud of their freedom, and I do not want to lessen it, but, with the advent of cheap paper and print and advertising facilities (and it is too late now to tell people that they are wrong in trusting to mere advertisements), dishonest persons can too easily delude the innocent and unwary. As already stated, there seems to be no law to prevent any person calling himself the Lord Chancellor or the Archbishop of Canterbury without deed-poll or the voluntary registration adopted by conditional legatees and others by way of advertisement. Of course, if a person uses a false title to secure credit, he is liable when detected, but the untrammelled right *per se* to use any name one pleases in this country is, probably, beyond debate. My objections are not new. The public has for many a year discussed the subject in fragmentary fashion. I myself have on numerous occasions taken part in the press correspondence, and, if my memory serves me, a Bill for some sort of registration of trading firms passed one stage of the House (introduced or backed by my well-known colleague on the council, Sir Albert Rollit); and if the revival of the consideration of the matter at this annual meeting of lawyers hastens legislation, I shall be amply rewarded for writing this little paper.

## LEGAL NEWS.

### OBITUARY.

The death is announced of Mr. FREDERICK CHARSLEY, solicitor, registrar of Eton College, and formerly coroner for South Bucks, at the age of seventy-one. Mr. Charsley, says the *Times*, was well known in the Windsor, Slough, and Beaconsfield districts. At one time he took a prominent part in Buckinghamshire politics, and came forward as a candidate for a division of that county. He was a liberal benefactor to the Albert Institute at Windsor and other institutions.

### APPOINTMENTS.

Mr. CHARLES EDWARD SETH-SMITH, barrister-at-law, 4, King's Bench-walk, Temple, upon whom her Majesty recently conferred the Companionship of the Bath for his services in connection with the late Royal Naval Artillery Volunteers, which corps he commanded from 1876 to 1892, is the eldest son of Charles Edward Smith, Esq., J.P., of Silvermere, Surrey. Mr. Seth-Smith was called to the bar in 1886, is a member of the Western Circuit, and practises in the Admiralty Court.

Mr. HERBERT C. LADBURY, solicitor, 1, Budge-row, Cannon-street, E.C., has been appointed a Commissioner for taking the acknowledgments of Deeds of Married Women for the County of Surrey. Mr. Ladbury was admitted in Trinity Term, 1872. He is a commissioner for oaths.

Mr. JOHN JAMES DALLAS, solicitor, Preston, has been appointed a Commissioner for Oaths. Mr. Dallas was admitted in May, 1884.

Mr. JOHN WALLIS DAVIES, solicitor, Abergavenny, has been appointed a Commissioner for Oaths. Mr. Davies was admitted in February, 1886.

Mr. ARTHUR LEOPOLD RAYNER, solicitor, 3, New-inn, Strand, has been appointed a Commissioner for Oaths. Mr. Rayner was admitted in December, 1885.

Mr. FREDERIC WIFFEN SMITH, solicitor, Romford, Essex, has been appointed a Commissioner for Oaths. Mr. Smith was admitted in November, 1885.

Mr. THOMAS STEPHENSON SIMPSON, solicitor, Leeds, has been appointed a Commissioner for Oaths. Mr. Simpson was admitted in May, 1886, after passing the Final Examination with honours.

Mr. PERING CASTLE SMITH, solicitor, 4, King William-street, E.C., has been appointed a Commissioner for Oaths. Mr. Smith was admitted in January, 1878.

Mr. FREDERICK WILLIAM THOMPSON, solicitor, Stafford, has been appointed a Commissioner for Oaths. Mr. Thompson was admitted in July, 1881.

Mr. WALTER JOHN TITLEY, solicitor, 7, South-square, Gray's-inn, W.C., has been appointed a Commissioner for Oaths. Mr. Titley was admitted in Michaelmas, 1884.

Mr. WILLIAM WATKINS, solicitor, Newton, Montgomery, has been appointed a Commissioner for Oaths. Mr. Watkins was admitted in February, 1885.

Mr. CHARLES FREDERICK WHITFIELD, B.A. (Camb.), solicitor, Liverpool, has been appointed a Commissioner for Oaths. Mr. Whitfield was admitted in November, 1885.

### CHANGES IN PARTNERSHIPS.

#### DISSOLUTION.

THOMAS HODGSON MUNDELL and JAMES ARTHUR BROUGHTON, solicitors, Carlisle (Mundell & Broughton). Oct. 1. [Gazette, Oct. 14.

### INFORMATION WANTED.

ANTHONY HALL, his heirs or their issue.—Will the solicitors who advertised for the above in the Melbourne papers kindly communicate with ALEXANDER TOOTH, Park-square-house, Regent's-park, as he can give the information required?

### GENERAL.

The Readership in Indian Law in the University of Cambridge, now vacant by the resignation of Sir R. K. Wilson, is suppressed.

Lord Herschell, who was relieved by the Earl of Kimberley as Minister in attendance on the Queen, left Balmoral on Monday, but will pay several country visits before returning to London on Saturday.

"A. K. H. B.," in his "Twenty-five Years of St. Andrews," tells of a Scotch advocate who, while discussing with a judge the question of a vacancy on the bench, said: "I think, my lord, they might find worse than myself"; and the judge replied, "Whair?"

The *St. James's Gazette* says that the Lord Advocate will shortly resign the office of Dean of Faculty, in which he will probably be succeeded by Sir Charles Pearson, Q.C., M.P., who was Lord Advocate in Lord Salisbury's Administration.

Mr. Leycester Peirson has resigned the chairmanship of Surrey Quarter Sessions, which position he has held for over thirty-one years. The Earl of Lovelace, lord lieutenant of the county, proposed a resolution expressing the deep feelings of sorrow of the justices at the resignation. Lord Aahcombe seconded the motion, which was carried unanimously.

The new Chamber of Arbitration, or Tribunal of Commerce, established under the auspices of the Corporation and the London Chamber of Commerce, will be formally inaugurated at Guildhall on Wednesday, the 23rd of November. The Lord Mayor and the President of the Board of Trade will be present on the occasion.

At the Hertford Quarter Sessions on Monday Earl Cowper announced his intention of resigning the chairmanship of the court, owing to increasing deafness. On the motion of Baron Dimsdale, seconded by Mr. Abel Smith, M.P., a vote of thanks was unanimously passed to Earl Cowper for his past services, coupled with an expression of regret at his retirement.

Mr. Justice Barnes and Mr. Justice Bruce have accepted the invitation of the joint members of the Northern and North-Eastern Circuits to dine with them at the Hotel Metropole on Saturday, November 5, in order to celebrate their recent elevation to the bench. Several of the judges and many of the leading members of the bar are expected to be present on the occasion.

On Saturday last Mr. James Robert Pike, the prime-warden of the Dyers' Company and a member of the well-known firm of Merriman, Pike, & Merriman, of Austin Friars, E.C., was presented by his past and present pupils and clerks with his portrait, in his robes of office, and an illuminated scroll of the names of the subscribers. It is interesting to note that the scroll contained names now influential in both branches of the profession, among them being that of Mr. T. W. Wheeler, Q.C., by whom the presentation was made.

A curious and ancient custom, says the *Standard*, has just been observed at the village of Corby, near Kettering, where the land belonging to the parish charities has been let by a burning candle. A pin was inserted in the candle a short distance from the light, and the bidding advanced

until the pin dropped. The ceremony was directed by the rector (Rev. B. E. W. Bennett), and was attended by many of the parishioners. Bidding was brisk, and the fall of the pin was watched with considerable interest. When the heat dislodged the pin the last bidders found that they had the land on a lease for eight years.

A Detroit, Michigan, court has, says the *Central Law Journal*, decided that a man cannot swear on his own premises, at least that he cannot indulge in profanity so loud and in such a way as to annoy his neighbours. And we have no doubt that the court is right, though the proposition at first might strike one as somewhat novel. The case was a bill in equity for an injunction by a neighbour who sought to restrain the defendant from swearing, and so using his voice as to constitute himself a nuisance. The defendant, with great plausibility, contended that his voice was given him by his Creator, and could not be well taken away by a court of inferior jurisdiction. But the court failed to see the force of the argument, and concluded to muzzle the defendant.

The Apethorpe Estate, the Earl of Westmorland's Northamptonshire property, extending over 8,500 acres, with an annual rent-roll of nearly £10,000, was offered for sale last week at Peterborough by Mr. Mitchell Phillips, of the firm of Messrs. Walton & Lee. The bidding was started, in the presence of a large company, at £120,000, and by bids of £5,000 was carried to £165,000. Three other bids of £1,000 each were made, and the property, as a whole, was withdrawn at £168,000. It was then offered in lots, there being seventy-six in all. The agricultural holdings were first offered, and seventeen lots were sold, realizing £11,474, and a number of other small holdings and cottages, &c., were sold. The Elizabethan mansion was offered with the home farms, the area being 5,200 acres, with an annual rent-roll of £6,000. The bidding opened at £80,000, and the property was withdrawn at £103,000. The two days' sale realized nearly £15,000.

On the 17th instant, says the Paris correspondent of the *Daily News*, the annual "Red Mass," so called because it is attended by the judges in their scarlet robes, took place in the Sainte Chapelle, in Paris. The Archbishop of Paris was present, and gave his benediction. The chief justices, puisne judges, the procurators-general, and procurators of the Republic, met in the new hall in the Place Dauphine, which was decorated for the solemnity. At eleven, ushers, in what used to be court dresses, swing back folding doors and conduct them to the chapel by a corridor opened for the first time this year. The judges and procurators are severally shewn the seats marked for them. The former are styled sitting magistrates and the others standing magistrates, because the former always sit in court and the others always stand in prosecuting. The bar is not expected to attend, but does so from habit, and is shewn to the benches without ceremony. At the close of the mass each tribunal goes to its several hall of justice to hear an academical address from its Advocate-General on some judicial subject. The advocate Baudoin was chosen this year to address the Court of Cassation, to which he is accredited; and Advocate-General Harel to address the Court of Appeal.

## COURT PAPERS.

### SUPREME COURT OF JUDICATURE.

#### ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	APPEAL COURT No. 2.	Mr. Justice CHITTY.	Mr. Justice NORTH.
Monday, Oct. ....	24	Mr. Farmer	Mr. Ward
Tuesday.....	25	Rolt	Pemberton
Wednesday.....	26	Farmer	Ward
Thursday.....	27	Rolt	Pemberton
Friday.....	28	Farmer	Ward
Saturday.....	29	Rolt	Pemberton
		Mr. Justice STIRLING.	Mr. Justice KEKEWICH.
Monday, Oct. ....	31	Mr. Leach	Mr. Jackson
Tuesday.....	30	Godfrey	Carrington
Wednesday.....	31	Leach	Clowes
Thursday.....	1	Godfrey	Jackson
Friday.....	2	Leach	Clowes
Saturday.....	3	Godfrey	Jackson

### COURT OF APPEAL.

#### MICHAELMAS Sittings, 1892.

#### APPEAL COURT I.—NOTICES.

N.B.—Queen's Bench Interlocutory Appeals will be taken in Court I. on Monday, October 24, and afterwards on every Monday in Michaelmas Sittings.

N.B.—Subject to Interlocutory Appeals on Mondays and Bankruptcy Appeals on Fridays, the New Trial Paper will be taken in alternate weeks as heretofore, commencing on Tuesday, October 24, and following days in that week.

**SPECIAL NOTICE.**—The Queen's Bench Final Appeals and the New Trial Paper will be taken in alternate weeks as stated on the Sittings Paper, viz., commencing with the New Trial Paper in the first week and Final Appeals in the second week, but if the New Trial Paper is disposed of before the end of the Sittings, then the Final Appeals will be taken every week during the remainder of the Sittings.

On Mondays and Fridays Final Appeals or New Trial Motions will only be taken when there are not enough Interlocutory or Bankruptcy Appeals for a day's Paper.

N.B.—Admiralty Appeals (with Assessors) will be taken in Court I. on

days specially appointed by the Court, notice of which will appear in the Daily Cause List.

#### APPEAL COURT II.—NOTICES.

N.B.—Interlocutory Appeals from the Chancery and Probate and Divorce Divisions will be taken in Court II. on Monday, October 24, and afterwards on every Wednesday in Michaelmas Sittings.

N.B.—Subject to Chancery Interlocutory Appeals on Wednesdays, Chancery Final Appeals will be taken every day in Court II. until further notice.

N.B.—When the Interlocutory Appeals are not enough for a day's Paper Chancery Final Appeals will be added on Interlocutory days.

Appeals from the Lancaster Palatine Court (if any) will be taken in Court II. on Thursday, October 27, on Thursday, November 3, and on Thursday, December 1.

Lunacy matters will be taken in Court II. on every Monday, at 11 o'clock, until further notice.

#### APPEALS FOR HEARING

(Set down to Friday, October 14, inclusive).

#### FROM THE CHANCERY AND PROBATE AND DIVORCE DIVISIONS.

##### For Judgment.

Gadd v Mayor, &c., of Manchester app of plts from judge of Mr Justice Kekewich, dated May 26, 1892 (c a v Aug 10—present Lord Justice Lindley, Lord Justice Lopes, and Lord Justice A L Smith)

##### For Hearing.

(Final List.)

1892.

Attorney-Gen' v Talbot app of Mayor, &c. of Leeds from order of Mr Justice Chitty, dated April 9, disallowing objections and confirming scheme for regulation of Wade's Charities April 26 Universal Stock Exchange Id v Stevens Stevens v Universal Stock Exchange Id app of defts from judge of Mr Justice Romer, dated April 27, 1892 May 6

Ryan v Mutual Tontine Westminster Chmbrs Assoc, Id (specific performance of regulations contained in leases) app of defts from judge of Mr Justice A L Smith (for Mr Justice Romer), dated Feb 15, 1892 May 7

In re Charles Doane, dec Symonds v Artists' Benevolent Fund and ors app of dfts Artists' General Benevolent Institution from judge of Mr Justice Kekewich, dated May 7, 1892, and notice of contention by the Artists' Benevolent Fund June 4

In re W Muir, dec (construction), Muir v Gold app of plts from judge of Mr Justice North, dated May 14, dismissing action June 13

In re The Canadian Direct Meat Co, Id, & Co's Acts app of W C Tamplin & ors from order of Mr Justice Romer, dated Jan 9, 1891 June 13

London & North Western Railway Co v Evans & Co app of plts from judge of Mr Justice Kekewich, dated March 5, 1892 June 13 The Onward Building Soc v Smithson app of defts Smithson & anr from judge of Mr Justice Kekewich, dated May 12, 1892 June 14

In re Beddoe, dec Downes v Cottam app of deft from order of Mr Justice Kekewich, dated April 28, on originating sumus June 18

In re Kullberg, dec Wennerstrom v Hammersley app of defts, H L M Rittner & ors, from order of Mr Justice Stirling, dated declaring construction of will and rights of parties June 20

Hesketh v The London & North Western Ry Co app of pltf from judge of Mr Justice Kekewich, dated May 19, 1892 June 22

In re McGrath & ors, Infants, & Infants, & Co Acts, 1886, 1891 app of Infants from judge of Mr Justice North, dated May 28, refusing to appt guardian June 30

Wilkinson v Griffiths app of deft, Thomas Griffiths, from judge of Mr Justice Romer, dated May 1, 1891 July 4

Bailey v Barnes (exercise of power of sale by mortgagees) app of deft, E Midgley, from judge of Mr Justice Stirling, dated March 17, 1892 July 5

Willoughby v Paulet & ors app of deft, A J Kennedy, from order of Mr Justice North, dated May 13, on further consideration refusing to vary Chief Clerk's Certificate July 12

Page v Cloete app of pltf from judge of Mr Justice Kekewich for deft on counter claim, dated July 7, 1892 July 14

Blaiberg v Medhurst (validity of mortgage of life interest) app of pltf from judge of Mr Justice Kekewich, dated June 30, 1892 July 16

David v Sabin app of pltf from judge of Mr Justice Romer, dated June 29, 1892 July 18

In re Bolton, dec Morant v Bolton app of Messrs Morris & Norton (creditors) from order of Mr Justice Chitty, dated June 20, on further refusing to vary Chief Clerk's Certificate under order dated June 13, 1887 July 18

Smith v Dickinson app of deft G F Dickinson, from judge of Mr. Justice Romer, dated June 1, 1892 July 20

In re Rankin, dec McIver v Rankin (construction of will) app of defts from judge of Mr Justice North, dated May 20, 1892, declaring pltf entitled to annual payment during life out of residuary estate July 22

Hutton v Allbut app of pltf from judge of Mr Justice Romer, dated July 12, 1892, refusing specific performance of agreement July 27

In re Hoyle, dec Hoyle v Hoyle app of defts from judge of Mr Justice Kekewich, dated July 9, on further consideration varying Chief Clerk's certificate July 27

Pratt v Pratt app of pl in person from judgment of Mr Justice North, dated July 13, 1892, dismissing action July 28

In re The Postage Stamp Automatic Delivery Co Id & Co's Acts app of

H Smith & anr (Directors) from order of Mr Justice Vaughan Williams, dated July 7, against Directors for misfeasance on sums of liquidator July 28

In re Russell, Corder, & Co Id, & Co's Acts (Munro Davidson's claim) app of E H Collins from order of Mr Justice Vaughan Williams, dated July 8, 1892, admitting claim as creditor of the Co July 28

In re The New Zealand Trust & Loan Co Id & Co's Acts app of the Co from order of Mr. Justice Chitty, dated July 2, directing Co to register shares in names of purchasers July 29

Lock v Pearce app of pls from order of Mr Justice North, dated May 5, 1892, on originating summs dismissing apln for relief from forfeiture of leasehold premises Aug 3

Burton v Dodd Dodd v Scolding (claim and counter-claim) app of C E Burton (pls in first act) & anr from judge of Mr Justice Stirling, dated July 21, 1891, refusing part specific performance Aug 6

Jarrett v Leveson-Gower app of plt (in form pauperis, by order) from judge of Mr Justice Kekewich, dated March 2, 1892 Aug 12

Kirby (trustee, &c) v Alderson Alderson v Kirby app of plt in counter claim from judge of Mr Justice Kekewich, dated Jan 12, dismissing counter claim to jewellery as part of bankrupt's effects Aug 23

In re Chas Champion, dec Dudley v Champion app of deft, J J Champion, from judge of Mr Justice North, dated July 14, 1892 Sept 5

Attorney-Gen v Wethered app of deft from judge of Mr. Justice Romer, dated July 26, 1892 Sept 5

Judicature Act of 1873, s 18, sub-section 5 In re Lunacy proceedings by Jas T Cathcart for incarceration of Mary Cathcart, his wife app of Mrs Cathcart from judgment of Lords Justices Lindley, Bowen, and Kay, dated Dec 16 and Aug 3, 1892 Sept 22

In re The Newcastle, Northumberland, & Durham Permanent Benefit Building Society app of Louis C Ridley and anr from order of Mr Justice Chitty, dated Aug 2, so far as it declares that preference share-holders are exempted from contributing to any loss Sept 27

From the County Palatine Court of Lancaster.  
(Interlocutory List.)  
1891.

Heenan v Ives app of plt from order of the Vice-Chancellor, dated Dec 21, refusing to continue interim injunction restraining deft from interference with execution of contract Dec 30 (S O till Nov 3 by consent of parties)

Yates v Smethurst app of deft from order of the Vice-Chancellor, dated August 9, 1892 August 18

(Final List.)  
1892.

Cook v Johnstone (partnership) app of pliffs from judge of F Willis Taylor, Esq (Registrar Liverpool District), dated March 18, sitting as deputy-judge for the Vice-Chancellor. May 11 Security ordered May 26

In re Thomas Clowes' Estate app of W C Walwyn from order of the Vice Chancellor, dated May 30, 1892 July 1

Ainsworth v Whaley (Foreclosure) Liverpool District app of plt from judge of Vice Chancellor, dated Feb 15 and March, 1892 July 5

Duckworth v Hartley (Preston District) app of plt from judge of the Vice Chancellor, dated July 17, 1892, dismissing plt's claim July 14

Burnley Building Soc v Smith (Manchester District) app of plt from judge of the Vice Chancellor, dated June 27, 1892, on fur con July 28

In re Alice Gray, dec, Gray & anr Infants v Heap app of pls from judge of the Vice Chancellor, dated July 6, 1892, dismissing plt's claim Sept 29

From the Chancery and Probate and Divorce Divisions.  
(Interlocutory List.)  
1892.

Graham & ors v The Mayor, &c, of Newcastle-upon-Tyne app of pls from order of Mr Justice Kekewich, dated July 22, refusing injunction against erection of urinal in Newcastle, in breach of covenant August 5

Ellinger & Co v Hymans de Teil & anr The Merchant Banking Co, Id v Hymans de Teil & anr Cunliffe Bros v Hymans de Teil & anr app of deft J S Hymans de Teil from part of order of Mr Justice Stirling, dated July 15, directing appellant to execute a power of attorney August 6

Jackson v The Barry Railway Co app of defts from order of Mr Justice Kekewich, dated August 10, restraining appellants from further proceeding with reference to arbitration August 12

In re The Clarendon Land Investment & Agency Co, Id & Co's Acts app of W C Palmer (a shareholder) & Eustace L Hercy & ors (debenture holders) from order of Mr Justice North, dated August 9, refusing removal of official liquidator August 12

In re A P Bell, dec Bell v Bell app of deft Ann Bell from order of Mr Justice Kekewich, dated August 10, refusing to direct receiver and manager to redeliver share certificates and retransfer of money in court August 13

Hibbert v Lloyd app of pls from order of Mr Justice Stirling, dated August 9, on adjd summs refusing to vary Taxing Master's certificate August 20

Brier v Fortescue app of deft from order of Mr Justice Kekewich, dated August 10, restraining apln until trial from excavating soil supporting wall of plt's warehouses on Great Saffron-hill Aug 24

Todd v Moseley app of deft Moseley from order of Mr Justice North, dated August 11, for payment or concurrence in arrangement for payment of maintenance August 25

Fitz v Iles app of deft, S A Went & anr, from order of Mr Justice North, dated August 5, restraining defts until trial from user of premises as a coffee house Sept 20

Divorce Burke v Burke & ors Burke v Burke (consolidated acts) app of Fredk M Burke (the husband) from order of Mr Justice Gorell Barnes (sitting as Vacation Judge), dated Sept 21, rejecting apln to rescind wife's petn by striking out 10th par Sept 26

Divorce Thompson v Rourke app of Mrs Thompson from order of Mr Justice Bruce (sitting as Vacation Judge), dated August 31 and Sept 7, refusing leave to administer further interrogatories Sept 26

FROM THE QUEEN'S BENCH AND ADMIRALTY DIVISIONS.

For Hearing.  
Final List.  
1892.

Jacomb v Lintott app of deft from judge of Mr Justice Cave, dated 20 March, at trial without a jury in Middlesex March 17 (security ordered March 28)

Jewson & Sons v Charlton, Macallum, & Co app of pls from jdgt of Baron Pollock, dated April 22, at trial without a jury at Norwich March 26

Winn & ors v Connell app of deft from judge of Mr Justice Wright, dated April 6, at trial without a jury at Leeds April 14

Chancery action—Stirling, J—Bradford Dist Reg Davy & ors v Baines app of plt from judge of Mr Justice Wright, dated April 4 at trial without a jury at Leeds April 20

Bertois v Frugier app of pltff from judge of Mr Commissioner Smyly, C, dated April 12, at trial without a jury at Liverpool May 2

The Rose (Klerksdorp) Gold Mining Co v Noott app of dfts from jdgt of Baron Pollock, dated May 23, at trial without a jury in Middlesex May 31

Smith v Roberts app of plt from jdgt of Mr Justice Denman, dated April 12, at trial without a jury in Middlesex May 31

Gulgong Alluvial Gold Fields Id v Pigott app of dft from jdgt of Mr Justice Lawrance, dated March 25, at trial without a jury in Middlesex June 2

Pepperell v City & South London Ry Co app of plt in person from jdgt of Mr Justice Wills, dated May 23, at trial without a jury in Middlesex June 4

Armstrong & Co v Allan Bros & Co app of defts from jdgt of Mr Justice Wills, dated May 30, at trial without a jury in Middlesex June 8

The Guardians of the Poor of the Barton Regis Union v Robertson app of defts from judge of Mr Justice Wills, dated April 11, at trial without a jury at Bristol June 9

Wilson & Sons v Jackson app of deft from judge of Baron Pollock, dated May 18, at trial without a jury in Middlesex June 10

Isaac v Worstencroft app of deft from judge of Mr Justice Wills, dated June 1, at trial with ut a jury in Middlesex June 10

Campbell v Baggally app of plt from judge of Mr Justice A L Smith, dated May 31 at trial without a jury in Middlesex June 11

Italo-Britannica Royal Mail Steam Navigation Co, Id v Dunkelbuhler app of deft from jdgt of Mr Justice Wills, dated June 1, at trial without a jury in Middlesex June 14

Pirrie v Priestman app of deft from judge of Mr Justice Wright, dated June 1, at trial without a jury in Middlesex June 14

Mills v Carson & anr (Q B Crown Side) app of dfts from judge of Justices Mathew and A L Smith, dated May 26, dismissing defts' app from the Mayor's Court June 14

Bradshaw v Rocco Carrrociero app of plt from judge of Mr Justice Day, dated June 8, at trial without a jury in Middlesex June 21

Sowerby v Tippett app of plt from judge of Mr Justice Mathew, dated May 19, at trial without a jury in Middlesex June 21

The London County Council v The Assessment Committee of the Woolwich Union in the county of London (Q B Crown Side) app of London County Council from order of Justices Wright & Collins, dated June 20, discharging rule nisi to quash order of sessions on case stated July 1

The London County Council v The Assessment Committee of St George's Union in the County of London (Q B Crown Side) app of London County Council from like order as in previous appeal July 1

Carilli v The Carbolic Smoke Ball Co app of defts from judge of Mr Justice Hawkins, dated July 4, at trial with a special jury in Middlesex (new trial not asked for) July 4

Woodhall v Finch-Hatton app of pls from judge of Mr Justice Wright, dated June 29, at trial with a special jury at Guildhall Woodall v Finch-Hatton apln of deft for new trial July 5 (To be heard with apln from judge by order)

In re Arbitration between Kirkleatham Local Board & Stockton and Middlesbrough Water Board app of Stockton and Middlesbrough Water Board from judgment of Baron Pollock and Mr Justice Vaughan Williams, dated June 1, on special case declaring arbitrator wrong on the principle of his assessment July 5

Kearney v The Whitehaven Colliery Co (Q B Crown Side) app of Patrick Kearney from order of Justices Grantham and Charles, dated June 16, affirming allowance by Justices of claim for breach of contract under Employers', &c, Act, 1875 July 7

Pontifex & Wood, Id v Hartley & Co app of pls from judge of Mr Justice Charles, dated June 24, at trial without a jury in Middlesex July 15

Guthrie & ors v Kelly app of pls from judge of Mr Justice Lawrance, dated July 5, at trial without a jury in Middlesex July 18

Barnard v Faber app of deft from judge of Mr Justice Wright, dated July 8, at trial without a jury in Middlesex July 19

Service v Bain app of plt from judge of Mr Justice Denman, dated July 5, at trial without a jury at Carlisle July 19

Attorney-General v Smith & Cocks (Q B Revenue Side) app of informant from judge of Justices Hawkins and Wills, dated June 1, 1892 July 19  
 Chancery Actn—Chitty, J The Stamford & Spalding Banking Co v Merriman app of defts from judge of Mr Justice Lawrence, dated May 26, at trial without a jury at Leicester July 19  
 Perkins v Bell app of plt from judge of Mr Justice Lawrence, dated May 26, at trial without a jury at Leicester July 20  
 Debenture Corporation ld v Midland Ry Co app of plt from judge of Mr Justice Cave, dated May 12, at trial without a jury in Middlesex July 21  
 The Hull Banking Co ld v Smethurst, the elder, & ors app of defts from judge of the Lord Chief Justice, dated July 11, at trial without a jury in Middlesex 26  
 Sharman v Sharman app of plt from judge of Mr Justice Collins, dated May 13, at trial with a common jury in Middlesex (new trial not asked for) July 26  
 Anderson v Ambler & ors app of defts from judge of Mr Justice Wright, dated July 5, at trial with a special jury in Middlesex (new trial not asked for) July 28  
 Muir v Leyman app of deft from judge of Mr Justice Wright, dated July 14, at trial with an assessor in Middlesex August 3  
 Allen v Woods app of plt from judge of Mr Justice Wright, dated July 22, at trial without a jury in Middlesex—If judge not reversed plt asks in alternative for new trial August 12  
 Simon Israel & Co v Sedgwick & ors app of plt from judge of Mr Justice Wright, dated July 23, at trial without a jury in Middlesex August 12  
 Saunders & anr v Weil app of deft from judge of Mr Justice Cave, dated August 8, at trial without a jury in Middlesex August 15  
 Hill & anr v Crank app of deft from judge of Mr Justice Day, dated August 5, at trial without a jury at Leeds August 19  
 Corn & anr trading, &c v Mathews & anr (Q B Crown Side) app of A H Corn & E E Corn from judge of Justices Wright & Bruce, dated August 8, affirming magistrate's decision on construction of apprentice agreement under 20 & 21 Vict c 43 Sept 6  
 Guest v Hope app of plt from judge of Mr Justice Denman, dated August 12, at trial without a jury at Liverpool Sept 12  
 Attorney-General v Robertson (Q B Revenue Side) app of deft from judge of Justices Wright & Collins, dated June 23, 1892 Sept 24

## FROM THE QUEEN'S BENCH DIVISION.

New Trial Paper.

1892.

Cook v Johnstone appn of plt for judge or new trial on app from verdict & judge at trial before Mr Justice Collins and a common jury at Manchester April 29 (security ordered 16 May)  
 Branson & anr v Relf appn of plt for judge or new trial on app from verdict and judge, dated May 10, at trial before the Lord Chief Justice and a special jury in Middlesex May 24  
 Clarke v South Western Investment & Advance Co, ld appn of plt for judge or new trial between parties to counter claim on app from verdict & judge dated May 18, at trial before Mr Justice Day and a special jury in Middlesex May 26 (security ordered May 30)  
 J Dreyfus & Co v Allen appn of deft for judge or new trial on app from verdict and judge dated May 7, at trial before Mr Justice Wright and a special jury at Guildhall May 27  
 Kimber v The Press Assoc ld appn of plt for judge or new trial on app from verdict and judge, dated June 29, at trial before Mr Justice Hawkins and a special jury in Middlesex July 2  
 Tyler v London & India Docks Joint Committee appn of plt for judge or new trial on app from verdict and judge, dated June 27, at trial before Mr Justice Denman and a special jury in Middlesex July 6  
 Gillow & Co v Lord Aberdare appn of plt for judge or new trial on app from verdict and judge, dated July 1, at trial before Mr Justice Hawkins and a special jury in Middlesex July 8  
 Ridley v Meux & Co appn of defts for judge or new trial on app from verdict and judge, dated June 30, at trial before Mr Justice Lawrence and a common jury in Middlesex July 11  
 Nangle v Harrod's Stores ld appn of defts for judge or new trial on app from verdict and judge, dated July 8, at trial before Mr Justice Wright and a special jury in Middlesex July 15  
 Price v McLean appn of plt for judge or new trial on app from verdict and judge dated July 15, at trial before Mr Justice Collins and a special jury in Middlesex July 29  
 Paterson v The Mayor, &c, of Blackburn appn of defts for judge or new trial on app from verdict and judge dated July 14, at trial before Mr Justice Denman and a special jury at Salford Aug 3  
 Dawson v Markin appn of plt for judge or new trial on app from verdict and judge on counter claim for debt dated July 16, at trial before Mr Justice Hawkins and a common jury at Ipswich Aug 12  
 Edwards v The Birmingham Central Tramways Co appn of defts for judge or new trial on app from verdict and judge dated August 3, at trial before Mr Justice Wright and a common jury at Birmingham August 12  
 Dreyfus Frères et Cie v Starr & Co appn of defts for judge or new trial on app from verdict & judge dated Aug 5, at trial before Mr Justice Vaughan Williams with a jury at Liverpool Aug 12  
 Harison v The Duke of Rutland & ors appn of plt for judge or new trial on app from verdict and judge dated Aug 4, at trial of claim before the Lord Chief Justice and a special jury in Middlesex The same actn appn of the Duke of Rutland for judge or new trial on app

from verdict and judge dated Aug 4 on counter claim at same trial Aug 13

Richard Cornelius & Co v Dreyfus Frères et Cie appn of defts for judge or new trial on app from verdict and judge dated Aug 5, at trial before Mr Justice Vaughan Williams and a special jury at Liverpool Aug 16

Eddy (suing, &c) v Lewis appn of deft for judge or new trial on app from verdict & judge dated July 28, at trial before Mr Justice Lawrence & a common jury at Chester Aug 18

Lowe & Sons & ors v Reeves & ors appn of defts for judge or new trial on app from verdict and judge dated Aug 3, at trial before Mr Justice Vaughan Williams and a jury at Liverpool Aug 19

## FROM PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

(ADMIRALTY.)

For Hearing.

With Nautical Assessors.

1892.

Ship Saragossa (damage) Westoll & ors v Owners of Ship Saragossa and Freight app of defts from judge of the President (Sir Francis H Jeune), dated May 28, 1892 June 9

Ship Cookham (damage) Owners of Ship Reward & ors v Owners of Ship Cookham app of defts from judge of the President (Sir Francis H Jeune), dated May 12, 1892 July 4

Ship Morgay (objection to Registrar's Report) Austro-Hungarian Lloyd & ors v Owners of Steamship Morgay app of plt from judge of the President (Sir Francis H Jeune), dated June 24, 1892 July 13

Ship Lancashire (damage) E Leetham Owner of Ship Oriel v Owners of Steamship Lancashire app of defts from judge of Mr Justice Gorell Barnes, dated July 6, 1892 July 20

Ship Dart (damage) Joseph Westwood & ors v Owners of the Sailing Barge Dart app of defts from judge of the President (Sir Francis H Jeune) and Mr Justice Gainsford Bruce, dated August 9, 1892 August 22

## FROM THE QUEEN'S BENCH DIVISION.

Sitting in Bankruptcy.

Appeals (in Bankruptcy).

1892.

In re Baillie Expte Baillie appeal of debtor from order dated August 10, refusing to sanction scheme for composition on application for discharge

In re E H Watson Expte Johnston Johnston v Watson app of plt in action from order of Baron Pollock (sitting in Bankruptcy), dated Aug 8, refusing to direct appearance of bankrupt for examination as to means

In re Kenyon Benham Expte H Rosenbaum app of H Rosenbaum (a creditor) from order of Mr Registrar Gifford, dated Sept 12, rescinding receiving order and adjudication

## FROM THE QUEEN'S BENCH DIVISION.

Interlocutory List.

1892.

Golding v The Order of La Sainte Union des Sacrés Coeurs app of plt from order of Justices Day and Charles, dated May 13, setting aside service of writ of summons for irregularity or for order for substituted service June 1

Crozart v Brogden app of plt from order of Justices Cave and Lawrence, dated June 14, affirming order for unconditional leave to defend June 23

Davidson & anr v Carlton Bank ld app of defts from judge of Mr Justice Cave, dated July 27, at trial without a jury in Middlesex of interpleader issue Aug 12

Hurlbatt & anr v Barnett & Co app of defts from order of the Lord Chief Justice and Mr Justice Bruce, dated July 28, dismissing app from order for further discovery Aug 12 Hurlbatt & Co v Barnett & Co app of defts from order of the Lord Chief Justice and Mr Justice Bruce, dated July 28, dismissing app from order for trial before Official Referee August 12

Wicks (judgment creditor) v Shanks & anr (judgment debtors) app of judge creditor from order of the Lord Chief Justice and Mr Justice Cave, dated Aug 10, affirming refusal to charge certain shares with amount recovered in present action Aug 17

The Mint Birmingham ld v The Birmingham Metal Stamping Co app of defendants from order of Justices Day and Bruce, dated August 12, refusing to set aside signed judge and stay consequent proceedings August 26

E L Oppenheim & Co v Sheffield app of deft from order of the Lord Chief Justice and Mr Justice Cave, dated Aug 11, affirming order setting aside interrogatories as unreasonable and vexatious Aug 29

## HIGH COURT OF JUSTICE.

## CHANCERY DIVISION.

MICHAELMAS SITTINGS, 1892.

Causes for Trial or Hearing.

(Set down to Friday, October 14th, inclusive.)

Motions, Petitions, and Short Causes will be taken on the usual days, as stated in the Michaelmas Sittings Paper.

Mr. Justice Chitty will take Witness Actions on the following days—

viz., Nov. 22, 23, 24, 25, 30, Dec. 1. In the weeks when Non-Witness Actions are taken, Further Considerations will be taken on Tuesdays. In the weeks when Witness Actions are taken, Further Considerations will not be taken on Tuesdays, but may be taken on Saturdays.

Mr. Justice North will give directions as to the order in which Causes and Further Considerations will be taken in his lordship's court, after the commencement of the Sittings, of which notice will be given on the Daily Cause List.

Mr. Justice Stirling will also give directions as to the order in which Causes and Further Considerations will be taken in his lordship's court after the commencement of the Sittings, of which notice will be given on the Daily Cause List.

N.B.—The order of business in Mr. Justice Kakewich's court will be taken as follows according to the days of the week:—Monday, Sitting in Chambers. Tuesday, Wednesday, and Thursday, Witness Actions, Non-Witness Actions (including Further Considerations) and Adjournded Summons as from time to time arranged. Friday, Motions and Non-Witness Actions or Adjournded Summons. Motions will also be heard on the first and last days of the Sittings, Monday, October 24th, and Wednesday, December 21st. Saturday, Short Causes, Petitions, and Non-Witness Actions or Adjournded Summons. Actions with Witnesses will be taken as soon as the other Business in the printed Cause List for the Sittings has been disposed of. Liverpool and Manchester Business will be taken as follows:—Motions on days appointed for Motions, Short Causes, Petitions, and Adjournded Summons on Saturdays. Summons in Chambers on Friday afternoons, Liverpool and Manchester Summons being taken on alternate Fridays, commencing with Manchester Summons on Friday, October 28.

Mr. Justice Romer will take Witness Actions every day in the order as they stand in the Cause Book.

Summons before the judge in chambers.—Justices Chitty, North, Stirling, and Kakewich will sit in court the whole day on every Monday during the sittings to hear Chamber Summons.

Summons adjourned into court will be taken as follows:—Mr. Justice Chitty, with Non-Witness Actions, except Procedure Summons, which (if any) are taken every Saturday; Mr. Justice Stirling, with Non-Witness Actions. Mr. Justice North on Fridays and Saturdays. Mr. Justice Kakewich on Fridays and Saturdays, and also on other days as the judges may direct.

Before Mr. Justice CHITTY.

Causes for trial (with witnesses). Marquis of Anglesey v Darling act Evans v Melville (now Lord Leven) act

The New Venture Witwatersrandt Gold Mining Co, Id v Hartmont act (S O till after summons is disposed of)

Walker v Walker (1881 W 4839) plt's motn for damages on sale of Glasgow property (restored to witness list, by order)

The Persian Investment Corporation, Id v Prince Malcolm Khan act & procedure summons for further affidavit of documents & for production (to be heard with action, by order)

In re Dawson, dec Johnston v Todd act

Wallis v Hands act Bending v Stokes act

Evans v Johns act Goodrich v Ashbee act

Attorney-Gen v Sims act Edwards v Edwards act Riddell v Durnford act

Gramshaw v Caldwell act Wilson v Dolby act

In re Black's Policy Moneys, Black v Smith issue for trial with liberty to cross examine on affs J T Duce & Sons, Id v Ebbwsmith act

Revell v Read act (abated) Ellis v Ellis act & m f j

Barnard v Johnson act

In re Registered Trade-Mark, No 37030, of Wm Powell, trading as Goodall, Backhouse & Co, and Patents, &c, Act, 1883 mot of The Birmingham Vinegar and Brewery Co, Id, to expunge Trade-Mark (Placed in Witness List for cross-examination on affidavit, by order)

Dibb v Walker (1885—D—38) act for further hearing on C C Cert (set down by direction of registrar) Dibb v Walker (1891—D—875) act

In re Kerans, dec Miesgaes v Kerans act & summons Jones v Lapthorne act

Abdy v Hesketh act (set down by order)

Smith v Turnbull act & m for j (1884—S—1,191) Smith v Turnbull act & m for j (1884—S—1,200)

In re Brownfield, dec Brownfield v Brownfield act

Atkinson v Mayor, &c, of Huddersfield act (set down in witness list, by order, but not before Nov 30)

Evans v Bowes act

Howell v Johnson act

Reed v Waters act & m f j

Reed v Blackett act

Bruzon v English Bank of River Plate, Id act Natl Bank of Scotland, Id v Bruzon act

Kemp v Caddington & Flamstead School Board act

Jones v Pim, Vaughan & Co act (S O Hilary Sittings)

In re Kennett, dec Measom v

Amye claim of H T Cranter for

management of testator's estate, opposed by executors—cross examination of affidavits, by order

James v Lewis act

Carr v Timlin act

Hardman v Bradshaw act Hardman v Bradshaw third party

issue by dfts Northgreaves & anr

Kitson v Kitson act

Seward v Vivian act

Roos v Allen act

Bowie v Runney act

Phillips v Cresswell act

Barratt v Manchester South Junction and Altringham Ry Co act

New York & Kentucky Land Co v Northern & Western American Assocn Id act

In re Schwerdt's Patent, No 19,510 of 1891 adj sums for revocation of Patent with wts, by order

Powell v London & Provincial Bank Id act (set down by order)

McKee v London Road Car Co Id act (set down by order)

Pegge v Baker act

Korting Bros v Ledward act (set down by order)

La Agricultura v Boyd act

In re Grimley, dec Grimley v Grimley act

Smith v Baker act

Moore v Lion Lion & Son act

Asten v Asten act (set down by order)

Scales v Heyhoe act

Johnstone v Steer act

Stevens v Coddington act

Corrall v Pilkington act

Byford v Reeves act

Lawson v Runney act

Kayler v Batson act

Blunson v Flanders act

Hickling v Wallace act

Senior v Porritt act

In re The Petroleum Wells of Germany Syndicate Id & Co's Acts

expte J M Henderson motn by

J M Henderson for removal of name from register of company, with wts by order

Smith v Rhodes act

Hume-Dick v Hume act (abated)

Fitzgerald v Marshall act

Nanty glo, Blaina Ironworks Co v Cory Bros & Co, Id act

Marshall v Evans act

In re Hudson, dec Hudson v Davidson act

Allhusen v Vigers act (set down by order)

Monarch Investment Building Soc v Grundy act

Thornley v Thornley act

Tootill v Taylor act

Cutts v Hughes act

Hughes v Vigor act

British Xylonite Co, Id v Stewart & Co act (set down by order)

Caldicott v Brass act

Attorney-Gen v Ystrad Gas and Water Co act

Wimbledon and Putney Commons Conservators v Drax act

Guy v Guy act

Payen v Hawkins act

Parker v Gould act

Newbridge Rhondda Brewery Co, Id v Roberts act

Powell v The Mayor, &c, of Cheltenham act (set down by order)

Worth v Bradley act

Singer Manufacturing Co v Spence act

Litt v Distinguion Iron Co, Id act

Paley v Russia Copper Co, Id act & m f j

Skippins v Skippins act

Seyd & Co v Seyd & Co Id act (set down by order)

Payne v Small act

In re The Stockbrokers' Banking Corp Id & Co's Acts

expte J Shannon mtn to rectify share-holders' register (set down in witness list by order)

Causes for Trial (without witnesses).

In re Hodgeon, dec Clough v Reddish adj sums (restored by order)

In re Edward Cleary, dec Cleary v McKeon adj sums (question on account) adj sums (restored by order)

Schauer & anr v J C & J Field Id motn of pltf for injunction by direction of judge, treated as trial of action, evidence closed and restored for further argument

In re The Patent Enamel Co Id & Co's Acts first motn of Benjamin Baugh to rectify Register—heard

June 16—restored by order In re

Same Co second motion of Benjamin Baugh for same purpose

In re The West Commercial Bank Id & Co's Acts claim of G D Lane

(widow) executrix of Wm Lane, dec expte off lqdtr adj sums

In re L S Tindal's Estate Tindal

v Bosanquet expte tenant for life of residuary estate adj sums

In re Powell & John's Contract and V & P Act expte Wm Powell (vendor) suffic of answers to requisitions adj sums

In re Hallett, dec Hallett v Hallett expte execs & trustees adj sums

Morley v Aston Arms Co Id act against British Munitions Co

In re Edward Westall's Settlement

Trusts, West v Baggallay, Expte Settlement Trustees adj sums

In re Thos Stephenson, dec, Hale v Hale (Realization of Investments) Expte pltf adj sums

In re Wm Wood, dec, Beves v Ridge, Expte Trustees of Legacy adj sums

Sparks v London Founders' Association Claim to money in hands of Receiver Expte E A Miller adj sums

In re Lord Alfred Paget, dec, Listowel v Paget, Expte Execs adj sums

Carrick v Wigan Trams Fund (\$4,000) priorities among debenture holders adj sums

In re Boulton & Cullingford's Contract and V & P Act, 1874, Expte Purchaser (Title) adj sums

In re Joseph Marsden, dec, Hinchcliffe v Battye, Expte Execs of surviving trustee adj sums

In re Humphreys, dec, Jones v Jones (Order 55) Ex pte pltf adj sums

Phillips v Phillips act

In re De Tessier's Settled Estates and Settled Land Acts In re De Tessier's Trusts De Tessier v De Tessier adj sums by trustees of settlement for directions In re Same Estates adj sums by Trustees of Will for directions

In re E Ede's Estate In re E P Pitt's Estate Collins v Ede (construction) adj sums

Standeven v Riley adj sums of Thomas, Sons & Co for liberty to issue execution Standeven v Riley adj sums of J R Farrer for same liberty

In re J D Richardson, dec Tenter v Aldons Ex Execs & Trustees adj sums

In re W Potter's Trusts White v Frere admin of settlement trusts adj sums In re Jas Beveridge, dec Beveridge v Potter admin expte trustees adj sums

In re J R Pilling Expte Sampson & Price, solrs (objection to taxation) adj sums

In re Victoria Skelton Estate Billinghurst v Chancellor (admin) expte pltf adj sums

Eccles Comms for England v Treemer act

In re Fredk Fair, dec Graham v Fair (administration) adj sums

In re J B Clacy, dec Hunt v Clacy Settled Land Acts adj sums for declaration as to investment

Cardigan v Curzon-Howe applies by trustee and by pltf for payment for improvements adj sums

Wray v Rodway m f j (transferred from Stirling, J)

In re Jno Grant, dec Heather v Grant administration expte execs and trustees adj sums

In re Sir Edwd Harvey, dec Harvey v Gillow (admin) expte surviving exec and trustee adj sums

In re Wemyss, dec Begg v Wemyss Escombe v Wemyss In re a Trust Deed Wemyss to Begg Begg v Wemyss adj sums (2)

(repairs to parish church—construction of trust disposn) (S till Scotch action disposed of) Tenant v Bechervae Smith v Tenant adj sums Expte Tenant & anr Plts in first action & defts in 2nd action

In re Duke of Marlborough's Pension Expte Duke of Marlborough adj sums for sale of Bank stock

In re D Watson, dec Cox v Watson (order 55) question for decision adj sums

In re Edward & Pearce's contract, dated May 18, for sale of real estate in Birmingham & V & P Act, 1874 adj sums

In re Hope's settlement conditional contract for sale of pictures and S L Act expte tenant for life adj sums

In re Katherine E E S Russell, dec In re Henry S Russell, dec Russell v Oakes adjd sums

In re Paddington Estate Act Bathurst v Thistlethwayte adjd sums

In re Mary Eyton, dec Cubitt v Tyler (admn) adjd sums

In re Fenwick, dec Fenwick v Helpman action

In re Edwin Rogers, dec Rogers v Rogers (administration) expte Trustees & Exors adjd sums

Wood v Foster & Co action & motn for judgt

In re Walter Brodie, dec Hall v Walker administration (order 55) adjd sums

In re Wm Edney, dec Glazier v Page administration (order 55) adjd sums

In re English Bank of the River Plate Id & Co's Acts Expte Banc de Brazil adjd sums

In re Clare's Settlement Trusts Clare v Howgrave (adminstrn) Expte surviving Settlement Trustees adjd sums

Morris v Holroyd administration (order 55) adjd sums

In re J H Stretton's Estate Stretton v Stretton adjd sums

In re Thos Gresley's Estate Pickering v Audibert Expte Pickering & anr administration (order 55) adjd sums

In re G Prickett, dec Lambert v Prickett Expte first mortgagee adj sums

Musters v Ingram m f j

In re Jno Brown's Estate Brown v Brown (administration) adj sums

Da Costa v Foster m f j (short) Bailey v Roots (No. 1) adj sums by Fredk Bailey Bailey v Roots (No. 2) adj sums by Fredk Bailey

In re Mary Ann King, dec Brooks v King (admn—order 55) adj sums

In re N Stone's Will Expte official receiver and trustee of W R Eden, a bankrupt adj sums

Stevens v Trevor-Garrick (Married Women's Property Act, 1882) adj sums

Mantell v Russell (transferred from Q B Division) issues for trial set down by order (liberty to cross-examine on affidavits, but if no cross-examn, to go into Non-Witness List by order) Sovereign Life Assce Co v Eardley-Wilmot act

Wontner v Gregory act

Further Considerations.

In re Seeley, dec Summersfield v Seeley fur con (pt hd Aug 3, 1892 S O by order)

Harland v Hull Street Tramways Co fur con

Prole v Durnford In re Prole, dec Bateman v Lechmere fur con

In re Harrison, dec Allen v Cort fur con

Harrison v Harrison Edwards v Harrison fur con (not reserved) adjourned into court by order

Before Mr. Justice NORTH. Causes for trial (with witnesses). The South Australian Mining Assoc v King act restored Draper v Clench Clench v Draper acts consolidated Coxon v Schofield act Tindall v Castle act

In re Frewen Hall v Frewen act Kell v Armitage act Lacon v Sadd act & m f j Eyre v Rodgers act Batt & Co v Hogerzel act Smith v Davis act

In re Webster Webster v Webster act and m f j Hasluck v Clayton act Hasluck v Tress act Hasluck v Henderson act Vipont v Butler act Roper v Foord act Boucher v Wilkinson interpleader issue

Smale v Bullock act Pillers v Somerset Hotel Co, Id act Farmer v Stephenson act & motn for judgt

In re Walter Brodie, dec Hall v Walker administration (order 55) adjd sums

In re Wm Edney, dec Glazier v Page administration (order 55) adjd sums

In re Clare's Settlement Trusts Clare v Howgrave (adminstrn) Expte surviving Settlement Trustees adjd sums

Morris v Holroyd administration (order 55) adjd sums

In re J H Stretton's Estate Stretton v Stretton adjd sums

In re Thos Gresley's Estate Pickering v Audibert Expte Pickering & anr administration (order 55) adjd sums

In re G Prickett, dec Lambert v Prickett Expte first mortgagee adj sums

Musters v Ingram m f j

In re Ponting's Patent, No. 5901 of 1890 peta to come on with act Harris v Woodward act (not before 14 days after answer to interrogatories)

Hardcastle v Smith act Coote v Ramsden act & mtn for judgt

Sharmar v Wickham act Thomas v Thomas act Skeffington v Franklin act

In re Godfrey Godfrey v Taylor act

Hollender v Hunt act Gough v Chambers act The Bristol Sublimed Lead Co, Id, v Miles act

Republic of Chili v Royal Mail Steam Packet Co act (stayed until return of commission) Moon v Carlton Iron Co, Id act Crossley v Magniac act Morgan v Chambers act Bradford Old Bank Id v Clapham act

Hunter v Dowling act Anderson v Edgbaston Brewery Co Id act

Tredwell v Houghton act Kerosene Co Id v Harris act Contract Loan & Trust Corporation

Id v Josz Mettalochrome & Co Id act

Wheelwright v Mayor & c of Wakefield act

Oppenheimer v Oppenheimer act Pride v Harrison act & mtn by ord

Mayor, & c of Bedford v Hobson act Brierly v Walsh act Mantell v Mantell act Green v Moore act Pearson v Union Bank of Manchester act Poolman v Mann, Crossman, & Paulin act

Cameron v Whitehead act Overman v Monument act Avard v Avard act Manning v Nicholls act York City & Co Banking Co v Pearson act

Baring v Overton act Harris v Martin act Biddulph v Billiter Street Offices Co, Id act & m f j

In re Loughman, Dalgety, & Co, Id v Russell Howell act In re Loughman Howell v Harting adj sums

Golding v Tarleton act Smith v Mono act Stuttart v Beaumont act Atkins v Smith act Hart v Hill act

Jowsey v Jowsey In re Jowsey act

Mercantile Investmt & General Trust Co, Id v River Plate Trust Loan & Agency Co, Id Lord Petre v Pile act

Simpson v Cargill act Booth v Midland Ry Co act Richards & Co, Id v Perkes act Marsden v Hopper act Longton, &c, Building Soc v Marfleet act & m f j

Skinner v Jarman act National Guardian Assce Co, Id v Coburn act

Doe v Banks act Farnham Brewery Co, Id v Hunt & Co act

Eddystone, &c, Co, Id v Greenway & Son act

Booth v Rushworth act Weston v Munday act

Drake v Mason act Webster v Webster act Hill v Nicholls act Davis v Hitchman act

Maton v Beavis act Indigo Co, Id v Gladstone act

In re Jackson Newnes v Jackson act

Cooke v Gilbert act Hill v Adams act

Annesley v Lacey, Hartland, & Co act

Haigh v West act Isaac v Elliott v Isaac act Watson v Galloway act Trustee of E. J. Samuel v Avery act

Kenny v McCarthy act & m f j Lovell v Low act

Crichton v Crichton act Evans v Baker act

Hemstock v Jenison act London Labourers' Dwellings Soc Id v Evans act

Reddaway v Fleming act Hodgson v Cottam & Lambert act Dawson v Bungay act

Welch v Seddon act

In re Cashen Jeens v Corbett act

In re Timms Tims v Tims act & m f j

Lyon v Goddard act Schouten v Wartmann, Schouten & Co Id

Halford v Hart act Elmslie v Hawes act & m f j

Terrell v Hill act & m f j

Talbot v The Rio Tinto Co Id act

Causes for trial (without witnesses). Baker v Baker Baker v Foster act restored Duke of Northumberland v Lord Percy m f j

Pratt v Pratt m f j

In re the Golden Leaf Id & Co's Acts mtn

Hall v Ford act

Wallace v Wallace special case

Adjournded Summons.

Stevens v Bolton

Same v Same (advanced by order) In re Hulton Lister v Hulton pt hd (restored)

In re Bonner-Maurice Cripps v Bonner-Maurice

In re Perkins Perkins v Bagot

In re Sacre Mahoney v Sacre

In re Mahoney & anr taxation

In re Gibson Gibson v Nutt ex pte plt In re Gibson Gibson v Nutt ex pte dt

Rock v Rock

In re Watson Watson v Parkinson

In re Bridger Brompton Hospital for Consumption v Lewis

In re Booth & Terry & V & P Act 1874

Smith v Pontypridd & Rhondda Valley Tramways Co, Id

In re Godden, Teague v Fox

In re Jennings, Burnley v Harland

In re C W Smith, Dawson v Warren Expte School Board for London (re Gedde)

Badeley v Consolidated Bank, Id

In re Brettingham, Melhado v Woodcock

Expte Chambers & 9 & 10 Vict

In re Thorne, Thorne v Thorne

In re McLeod, McLeod v Harris

Powell v Crompton

In re Beddingfield & Norris & V & P Act

In re Berners, Berners v Calvert

In re Ford, Vandelinde v Ford

Syer v Gladstone

In re The Charity for Poor Widows, &c, & Skinner & V & P Act

In re Colchester Tramways Co, Id, & Co's Acts

In re Page, Jones v Morgan

In re Burrows, Burrows v Craigie Hill Rothwell

In re Winch Winch v Jones

Fennell v Gray

In re Billiter-street Offices Co Id & Co's Acts Hicks & anr v the same Co (pt hd by Vacation Judge on Sept 7, rest of appn to stand over until 1st day on which adj sums are taken)

Further Considerations.

In re Moorhouse Moorhouse v Weston fur con

Bailey v Standard Portland Cement Co Id fur con

Matthews v Mathews fur con (short)

In re Gardner Long v Gardner fur con

Provident Clerks' Mutual Life Assce Assoc v Lewis fur con adjd sums from Chambers & adjd sums

In re G W Taylor (re Prior) Short v Lea fur con

Before Mr. Justice STIRLING.

Causes for Trial (with witnesses).

In re J Davis Joseph v Davis act (to come on with another action when set down)

Davis v Matlock Water Works Co Id act

In re Davidson Davidson v Murphy act (Deft dead)

Empire of India Corporation v Scaramanga act

Lancashire v Smith act & m f j

London & South Western Bank v Michel act & m f j  
 Grace v Booth act  
 In re Helmore Helmore & Helmore act  
 Stainforth v Elborne act  
 In re G W Simpson's Patent, No 9250 of 1890 peta (writs list by order)  
 In re J Andrews & Trustee Act adjd sums (writs list by order)  
 In re Mann & Taylor adjd sums (writs list by order)  
 In re The Ardleigh Bread Co & Co's Acts adjd sums (writs list by order)  
 Vincent Redhouse act pending order for stay  
 Bread Union, Id v Cantrell act  
 Clark, Nicholls & Coombs, Id v Griffith & Co act  
 Moore v Moore act  
 Bradley v Humphrey act  
 Stephens v Braithwaite act  
 Tremville v Christie  
 Thompson v Gibb act  
 Murny v Lewis act  
 Matabeleland Co, Id v British South Africa Co, Id act  
 Callaway v Wade act  
 Elliot v Wilts and Dorset Banking Co, Id act  
 Edwards v Evans act  
 Castle v Robinson act  
 Robson v Sterline, Id act  
 Webb v Shropshire Railways Co act  
 London Financial Assocn Id v Whadcoat Bros & Co Id act (advanced by order to be heard with No. 29)  
 In re Pratt Driver v Ede act  
 Ede v Shuff Shuff v Ede act  
 To come on together by order  
 Bird v Pratt act  
 Lord Abingdon v Duchess of Marlborough act  
 Kempthorne v Miers Kempthorne v Miers act & m f j  
 Reeder v Walker act  
 Scholey v Peck act  
 Leathers v Leathers act  
 Morley v Loughnan act  
 Adams v Darley act  
 In re Pattinson Pattinson v Rigg act  
 Chapman v South Metropolitan Gas Co act  
 New Cross and District 282nd Starr Bowkett Bldg Soc v Price act  
 Hutt v Hewitt act & m f j  
 John v Rose act  
 Copping v Harris Harris v Copping act  
 In re Cooke Weaver v Lord Lomas act  
 Barnes v Pope & Co, Id act  
 In re Wormald Wormald v Collingwood act  
 Chalmers v Ross act  
 Jones v Lawrence act  
 Baird v Mayor, &c, of Tunbridge Wells act  
 Talbot v Talbot act  
 Morgan v Jones act  
 In re Roper Roper v Roper act  
 Bartlett v Sari act & m f j  
 Andrews v Crisp act  
 The London Houses, &c, Assoc, Id v Thomas act  
 Medical Battery Co, Id v Spalding act  
 Same Co v Spalding act  
 In re Millar, Millar v Millar act  
 Eccles Commrs of England v Carrardine act  
 Corrugated Paper Packing Co, Id, v Speight act  
 In re Tomkin, Wickham v Tomkin act  
 In re Hall, Hall v Hall act  
 Wright v Ottoman Paper Manufacturing Co act & m f j

Baron Carew v Barns Elms (Ranagh) Club, Id act  
 In re Jeremiah, Williams v Jeremiah act  
 Cox v Stephenson act  
 Ferguson v Kootenay Smelting, &c, Id act  
 Seaborne Coal Co, Id, v Edey act  
 Browne v Morse-Boycott act & m f j  
 White v Tyler act  
 Barnett v Barnett act & m f j  
 King v Nethersole act  
 Middleton v Drake act  
 In re Bussey, Bussey v Bussey act  
 In re Eddystone Marine Insurance Co, Id settlement of list of contributors, &c  
 Butcher v Marks act  
 Green v Harrison act  
 In re Stanley Stanley v Burchell act (deft dead)  
 Somers Smith v Middleton act  
 Lancashire v Broadmead act  
 Renner v Tolley act  
 Watson v Went act  
 Hewitt v Gater act  
 Want v Campain act  
 Brodhurst v Aaron Reefs Id act  
 Henton v Paddison act  
 Partington Advertising Co v Lynch act  
 Canadian Direct Meat Co v Isaacs act  
 Lescher v North act  
 Eccles Commrs for England v Turner act  
 Bainbridge v Oxley act  
 British North American Cameron Investment Co Id v Freehold Land & Investment Co Id act & m f j  
 Crawshay v Merthyr Tydfil Local Board act  
 Suren, Hartman & Co v W T Henley's, &c Co Id act  
 In re Cook Hamerton v Jones act  
 Leyborne-Popham v Browne act  
 Langham v Pearce-Jones act  
 Langham v Lawrence act  
 Langham v Cochrane act  
 Hennings v Hennings act  
 In re Fox Fox v Fox  
 Kendall v Emmett act  
 Kendall v Burney act  
 Jones v Morgan act  
 Peckover v J. Rowland & Co act  
 Baker v Markwick act  
 Minett v Piddocke act  
 Grice v Lote act  
 Boyd v Lote act  
 Waterer v Lamb act  
 In re Edgecumbe Sydes v Richardson act  
 Barford v Brougham act  
 Northern v Gordon act  
 Mansel v Didcot act  
 Reid v Cook act  
 In re Siddle Siddle v Ward act  
 Burton West act  
 Smith v Mansfield act  
 Harris v Walker act  
 Lush v Reynolds act  
 Bridges v Sanford act & m f j  
 Barber v Mannico act  
 Lord Jersey v Gt Western Ry Co, 1891-J-578 act  
 Lord Jersey v Gt Western Ry Co, 1892-J-485 act  
 Universal Stock Exchange, Id, v Smith act  
 Causes for Trial without Witnesses and Adjourned Summons.  
 In re Bishop & Trustee Act, 1850, Higdon v Pitman adj sums  
 In re Whichcord's Trusts & Trustee Relief Act adj sums  
 Ball v Ball adj sums  
 In re Bourne, Martin v Martin adj sums  
 In re Abbott, Peacock v Fridgeout adj sums

Coulston v Harvey act  
 In re Paynter & ors (taxation) adj sums  
 In re Bentinck, Bentinck v Bentinck (claim of A A de Metz)  
 In re Tatham, Bensmade v Hastings (claim of M S E Tatham)  
 In re Prince, Pearce v Prince adj sums  
 Fentem v Bott m f j (short)  
 In re Ingham, Jones v Ingham adj sums  
 Greenwood v Sutcliffe adj sums  
 In re Hollon, Forbes v Hardcastle adj sums  
 Hamilton v Vaughan, Sherrin & Co Id mota for judgt (short)  
 In re Golding Golding v Bowles adj sums  
 In re Birmingham, &c Co, & Allday R & P Act adjd sums  
 In re Northrop Taylor v Baldwin adjd sums  
 In re Mustapha Mustapha v Wedlake adjd sums  
 In re Potter Glegg v Potter adjd sums  
 In re Hassam & Wise & V & P Act adjd sums  
 Cadman v Cadman mota for judgt  
 In re Guardarama Gold Mines Id adjd sums  
 In re the Ottos Kopje Diamond Mines Id adjd sums  
 Marshall v Swedish, & Car Trust Co Id adjd sums  
 In re Thorpe Percy v Weatherell adjd sums  
 In re the Christchurch Inclosure Act & 10 & 11 Vict adjd sums  
 Anglo-Sardinian Antimony Co Id v de Saliceto adjd sums (dated July 23, 1892)  
 Same v Same adjd sums (dated July 27, 1892)  
 Kelson v Samuda Bros Id mota for judgt (short)  
 Further Considerations.  
 Heckles v Heckles fur con Heckles v Nesbit fur con Not before Nov 7  
 Dew v Barley fur con  
 In re P A Hyde Beddowe v Barrett fur con

Before Mr. Justice KEEWICH. Causes for trial (with witnesses)  
 In re The Law Courts Chambers Co, Id, & Co's Acts (to come on after anything fixed)  
 Cameron v Dandicole & Gandin, Id act  
 Cameron v Dandicole act for trial (advanced to be heard with No 2)  
 Cameron v Stretton, Hilliard, Dale & Newman act (S O one month after hearing of two other acts)  
 Gape v Taylor act  
 Paine & Co v Daniel & Sons' Breweries, Id act restored  
 Dixon v Franklin act  
 Willey v Broadbent act  
 Power v MacLachlan, Power v Power act  
 Bergl v Ind, Cope, & Co, Id act  
 Scatiff v Forrest act  
 Palmer v Storey act  
 Salmon v Hammond act  
 In re Dexter's Trade-Mark and Patents, &c, Acts motn  
 In re Wills's Trade-Mark & Patents, &c, Acts motn  
 Bell v Bell act  
 Hope v Clark act  
 Morse v Baker & Sons act  
 Thomas v Thomas act  
 Wotton v Millman act  
 Mackie v Solvo Laundry Supply Co, Id act  
 In re James Barclay v Lucas act  
 Wright v Walford act  
 Dewart & Co v Billington & Newton act

Beasley v Beasley act  
 Hughes v Gillow & Co act  
 Knight v Kent, Sussex, & General Land Soc, Id act  
 Perkins v Same Soc act  
 Berryman v Duff act  
 In re Gedye & Sons & Trade-Mark 77,745 motn  
 Belgrave Freehold Land Co v Vivian act  
 Stephenson v Christian Christian v Stephenson act  
 Royal College of Physicians in London v General Medical Council act  
 Selby v Bothamley act  
 Maitland v Bagnell act  
 Industrial Assoc Co of Great Britain Id, v London, Edinburgh, & Assoc Co, Id act  
 In re Moakes Marshall v Burrows act  
 The Hamstteagh Art & Co v Holloway act  
 Gabriel v Bertram act Bertram v Gabriel act  
 Luck v Williamson act  
 Dalley v Hole act  
 Clarke v Mills act  
 Davis v Davis act  
 In re Jones Pritchard v Emett act  
 In re Gilbert Parry v Doyle adjd sums  
 Ruddle v Ruddle act  
 Franken v Buenos Ayres Water Supply & Co Id act  
 Pinblott v Davies act & third party notice  
 Local Board of Acton v L & S W Junction Ry Co act  
 In re Brown Sleeman v Brown act  
 Steane v Steane act & m f j  
 Huntley v Curry act  
 Harman v Wilson act  
 Lindfield v West act  
 Armitage v Armitage act  
 Hornsey Local Board v Hume adj sums  
 MacLean v Griffin act  
 Cogswell v Countess of Cardigan act  
 Lodyn Petroleum Syndicate, Id v Tarn act  
 Burroughes & Watts, Id v Edwards act  
 Simons v Baker act  
 In re Carne Polwhele v Ross act  
 Halifax Commercial Banking Co, Id Walker act  
 Turner v Ibbotson act  
 Bromley Local Board v Lloyd act  
 Walker v Rhodes act & m f j  
 Scruton v Stone act  
 In re Fish Bennett v Bennett act  
 Saunders v Ross act  
 In re Smith Arthur v Smith act  
 Milne v London Co-operative Supply Stores, Id act  
 James v Ochs act  
 Armitage v Farmers, Id  
 Way v Goddard act  
 Cook v Mayor, &c, of Sheffield act  
 Zeffert v Baring act  
 Boyd v Mathers act  
 Harwood v Vestry of Parish of Fulham act  
 Carter v Hallstone act  
 Capron v Burgess act  
 Northern Stone & Marble Co, Id v Hall act & m f j  
 Powys v Exley act  
 Myers v Hockley act  
 Sprague v Hilden act  
 Smith v Davies act  
 Midland Brewery Co v Pickworth act  
 Schott Bros, Id v Potter act  
 Schott Bros, Id v Ripley & Co act  
 In re Dutton Mercer v Dutton act  
 Beck v Churcher act  
 In re Corsewell Atwood v Corsewell act

Thomas v Phillips act	In re Williams Williams v Williams	In re English and Australian Mortgage Bank, 1d (petition of B. Sorbie)	Carter v Carter act for trial
Berkeley v Knight act	Roberts v Cooper	In re Carlyle Press, 1d (petition of John Dickinson & Co, 1d)	Bell v Harrison act for trial
In re Lance Sharpe v Rebek claim of Bangor & Chenits	In re Michelmore Michelmore v Marshall	In re Proprietary House and Land Corporation, 1d (petition of F. C. Blaker)	In re Santa Rosalia Copper Co, 1d & Co's Acts motn
Morris v Hennessey act	In re Duke of Cleveland Barnard v Wolmer pt 1d	In re The Madrid & Portugal Direct Railway (Avila and Salamanca), 1d petition of P. Macfadyn & Co	Official Liquidator of The Blackburn, &c Bldg Soc v Welby act for trial
Jones v Davies act	In re Cadle Bennett v Beale	Court Summons.	Hogan & Hughes v Crowther act for trial
In re The Stockbrokers' Banking Corp., 1d & Co's Acts motion (entered in Witness List by order)	In re Silber Carter v Silber	In re Queensport Brick & Tile Co, 1d	Ackroyd v Barker act for trial
Cooper v Simson act	In re Hanmer Hanmer v Hanmer	In re New Rhyl, 1d	Watkinson & Sons 1d v London & South Wales Coal Co 1d act for trial
Seal v Scott act	In re Bullen Bullen v Rockliff	In re Anglo Austrian Printing & Publishing Union, 1d (ex parte Shanks)	Tucker v Vowles act for trial
Sauchez & Co v De Murietta act	In re Earl of Buckingham Hobart Hampden v Pennington (25 Oct)	Before Mr. Justice VAUGHAN WILLIAMS.	Stebbing v D'Ardenne act for trial
Barnard v Hastie act	J E Sharp & Son v H Sharp & Son	(Sitting as an additional Judge of Chancery Division.)	In re Bushnell Bruton v Martin act for trial
Jones v Jones act	Companies (winding up).	Motion.	Capell Humble act for trial
In re Somerset Somerset v Poulett act	Before Mr Justice VAUGHAN WILLIAMS.	In re West Cumberland Iron & Steel Co, 1d	Midland Railway Co v Rylands act for trial
Laurence v Adams act	(Sitting as an additional Judge of Chancery Division.)	Petitions.	Ealing v Puttman act for trial
Thomas v Ystrad y fodwg & Pontypridd, &c, Board act & third party notice	In re Steriline 1d (petition of J Battams & anr)	In re Driggs Ordinance Co v Driggs, & Ordinance Co 1d acta restd	Vincent Ferguson act for trial
Fletcher v Bayly act & third party notice	In re Arbitrage & Finance, 1d (petition of Magniac, Gilby, and Sunner)	Isaacs v Isaacs actn restd	Morgan v House Property & Investment Co, 1d act for trial
Attorney-General v Tanner act	In re Leicester Industrial Assurance and Building Co, 1d (petition of A J White & anr)	In re Gurney Mason v Mercer actn revived	In re Shanks Bell v Vasey act for trial
In re W Russell (one, &c) Expte P Shippobottom (taxation) adj sum set down in Witness List by order liberty to apply to advance	In re House and Land Investment Trust, 1d (petition of Shelley & Co, 1d)	In re Grover Acworth v Grover actn	Jobson v Palmer act
Dickin v Neave act	In re Leasehold Investment Co, 1d (petition of M A Cole)	Gill v Green actn	In re Dudding Nankin v Bantoft act for trial
Drury v Hale act	In re same Co (petition of E L Smith)	Gadd & Mason v Haslingden Union Gas Co actn	White v Lilly act for trial
Forge v Forge act	In re Maritime Coal Co, 1d (petition of J Prue & ors)	Transferred for Trial or Hearing only, pursuant to order dated the 12th May, 1892.	Durrant v Gifford act for trial
Rapier v London Tramways Co, 1d act (set down by order, to be in paper 1st Nov)	In re Railway & General Automatic Library, 1d (petition of the Co)	Hepburn v Wigan act for trial	Paine v Thompson act for trial
Pointe of Law.	In re International Land Syndicate, 1d (petition of W H Clark)	Webb v Bowen act for trial	Wilkinson v Green act & m f j
Thomas v Phillips point of law (stand till trial by order)	In re Scandinavian Steamship Co, 1d (petition of Compton, Ullstron, & Co)	Swansea Hematite Co v Mannerman & Co act for trial	Street v Binns act for trial
Bonner v Bonner question for trial on parol evidence without pleadings, &c	In re Cleathero & Nichols, 1d (petition of E T Cleathero & J A Nichols)	Carter v Haldeman act & m f j	In re Pearce Pearce v Crickett act for trial
Page v International Agency and Industrial Trust, 1d questions of law	In re South Metropolitan Trading Co, 1d (petition of C Rawle)	Withers v Carwardine & Co act for trial	Whadcoat v Shropshire Ry Co act for trial
Milbank v Vane point of law	In re Combination Lock & Chain Stitch Sewing Machine and Attachment Syndicate, 1d (petition of Lyne & Smith)	Bentinck v Union District Co of London, 1d act for trial	Ponsford v B Smith & Sons act for trial
Causes for Trial (without witnesses).	In re Henderson & Spalding, 1d (petition of Mason & Mason, 1d)	Butty v Goddard act for trial (S O one month after delivery of amended particulars)	Jackson v Jackson act for trial
Haynes v Foster act	In re Henley Telegraph and Electric Construction Co, 1d (petition of A P Matheson)	Bevan v London Portland Cement Co, 1d act for trial	In re Douglas Coward v Winter act for trial
Milbank v Vane act	In re Traders' Debt Purchasing Association, 1d (petition of A J Jacobs)	Lewes v Harwood act for trial	Wellby v Thimbleby act for trial
Adjourned Summons.	In re New Oriental Bank Co, 1d (petition of E. Pratt)	Hopkinson v St James's and Pall Mall Electric Light Co, 1d act for trial	Edwards v Shaw act & m f j
In re Jonas Craven, &c taxation (restored)	In re Sir Titus Salt, Bart., Sons & Co, 1d (petition of Bradford Banking Co, 1d)	Godman v Herbert act for trial	Colborne v Newman act for trial set down without pleadings by order
In re Blackwood Quicke v Blackwood	In re Monte de Piete of England, 1d (petition of City Assets Co, 1d)	Herbert v Godman act for trial	Stretton v Stretton act for trial
In re Blanchard Leppard v Blanchard	In re National Lithographic & Printing Co, 1d (petition of A. W. G. Ranger)	Flint v Howard act & motn for jdgt	Wilson v Elkington act for trial
In re Hughes Morgan v Watkins	In re Same Co (petition of Bagot Read)	Reed v Aver act	Howard v Blaiberg act for trial (set down with pleadings by order)
In re Jacobs Jacobs v Simmons	In re London and General Bank, 1d (petition of W. T. Hart and J. Hart)	Cook v Cooke actn	Fields v Sykes act for trial
In re Baring Jeune v Baring	In re Same Co (petition of F. D. Garcia)	Burnaby v Hurt act & motn for judgt	Stoy v Duncan act for trial
In re Sheppy Portland Cement Co, 1d, & Co's Acts	In re Same Co (petition of W. W. Feast)	Harrison v Whiting act for trial	London Trust Co, 1d v Mackenzie act for trial
In re Shaw Malden v Shaw	In re Plymouth Tramways Co (petition of E. T. Wise & ors)	In re Poole How v Poole act for trial	Weller-Poley v Nash act for trial
In re White White v White	In re Automatic Aeration Co, 1d (petition of Avern Sons & Barris)	Williams v White act	Rendell v Bradford Old Bank, 1d act for trial
In re Willoughby In re Gibbons Willoughby v Willoughby	In re Lyric Club, 1d (petition of Cadbury, Pratt, & Co)	Muller v Borthwick, Wark, & Co act for trial	Harrison v Whiting act for trial
In re Hooper Ashford v Brooks	In re London Syphon Manufacturing Co, 1d (petition of Dan Rylands, 1d)	White v Pottow act for trial	In re Poole How v Poole act for trial
In re Colbeck Hall v Colbeck		The Conservators of the River Thames v The London, Tilbury, & Southend Ry Co act for trial	White v Pottow act for trial
In re Morris Morris v Turner			
In re Strawbridge Ingram v Bryant			
In re Isaac Cronback v Isaac			
In re Lupton Thornhill v Lupton further hearing Lupton v Thornhill further hearing			
In re H J Donaldson, &c			
Lowe v Morrill			
London & Midland Bank 1d v Morrill			
Evans v Evans			
In re Carter Hayward v Carter			
In re the New York Exchange 1d & Co's Acts			
In re Merchant & Simms & V & P Act, 1874			
In re Grimsdale Grimsdale v Grimsdale			
In re Garland Mead v Garland			
Griffin v Bishop's Castle Ry Co			
In re Perry Walker v Walker			
Shipley v Hoyle			
Miles v Evans			
In re Hawes In re Burchell Burchell v Hawes			
In re Briggs Markby v Oldham			

## QUEEN'S BENCH DIVISION.

MICHAELMAS SITTINGS, 1892.

SPECIAL PAPER.

For Argument.

1892.

Set down 23rd June Due 28th June Few & Co Rodger v Harrison & ors Special case  
 Set down 1st July Due 8th July Hollams & Co In re an Arbin between Dreyfus & Co & F Lenders & Co Special case  
 Set down 21st July Due 26th July Trollope & Winkworth In re an Arbin between the Richmond Gas Co and the Mayor, &c of Richmond, Surrey Special case  
 Set down 5th August Due 12th August S G Edridge Batchelor & anr v Balfour Special case

OPPOSED MOTIONS.

For Argument.

Blake v Prior part heard April 13, 1892, before Lord Justice A L Smith and Mr Justice Wright (S O for discovery on both sides)  
 In re Wild & Wild, solrs Expte Wild & anr part heard June 15, 1892, before Mr Justice Cave and Mr Justice Lawrence

For Argument.	
Dorsetshire, Blandford Farquharson v Morgan County Court	App't's app Agricultural Holdings Act, 1883
Dorsetshire, Blandford Farquharson v Morgan County court	special case (Agricultural Holdings Act, 1883)
Essex Bradley & anr v Rose Magistrate's case	re-stated—S O till Lawrence, J., and Wright, J., sit together
Essex The Queen v E N Buxton, Esq & ors, Jj for county of Essex	(expte Bradley) Nisi for certiorari for conviction (to come on with No 3)
Essex The Queen v Same (Ex parte Hyde)	Nisi for certiorari for conviction (to come on with No. 3)
Somersetshire, Taunton G W Ry Co v Sharman County Court	def't's app (part heard May 28, 1892, Mathew, J., and Wright, J.)
Middlesex The Queen v Burrows (expte Robinson)	Nisi for quo warranto to vestry clerk
London Daley v Scrutton, Sons & Co County Court	Plt's app
Worcestershire, Stourbridge Blakewell v Pateshaw	county court def't's appeal
London Dodson v Williams Magistrate's case	p hd Aug 9 (to be before the L C J of England & Wales, J.)
London Leet v Towers Magistrate's case	
London Leet v Coles Magistrate's case	
Durham, Darlington In re onward Building Soc	county court Watson's app
Yorkshire, Sheffield Carlton Bank v Cheesborough & ors	county court def't L Cheesborough's app
Glamorganshire, Cardiff The Queen v Judge of county court of Glamorganshire, holden at Cardiff, and Glamorgan Coal Co (expte Wyllie)	Nisi for review of Registrar's taxation
Met Pol Dist The Queen v Haden Corser, Esq, Met Pol Mag (expte Cooper)	Nisi for certiorari for bastardy order
Cheshire, Birkenhead Carroll v Sutcliffe & anr	county court def'ts' app
Leicester Corporation of Leicester v Brown	Magistrate's case
Denbighshire, Wrexham Jones v Ellis & ors	county court def'ts' app
Sussex, Hastings Plummer & ors v Payne	county court def'ts' app
Yorkshire (W.R.) The Queen v Kirkheaton Local Board (expte Lodge)	Nisi for mandamus to make and cleanse sewers
Middlesex, Westminster Haes v Coall & ors	county court def'ts' app
Surrey, Lambeth Hastings v Pearson	county court plt's app
Surrey, Chertsey Sampson v Keevil	county court def'ts' app
Middlesex, Bloomsbury Cook v Curtis (Curtis, clmt)	county court plt's app
London Caparn v Waterlow & Sons	county court plt's app
Warwickshire, Solihull Hobday v Herbert & ors	county court plaintiff's appeal
Sheffield Smith v Williams Magistrate's case	
Middlesex, Marylebone Jamieson v Keith	county court defendant's appeal
Derbyshire, Chesterfield Cooke v Midland Railway Co	county court Defendant's appeal
Glamorganshire In re Local Government Act, 1888, &c	Questions under Local Government Act, 1888
Hampshire, Portsmouth Southern Counties Deposit Bank v Smith	county court Plaintiff's appeal
Carmarthenshire, Newcastle Emlyn Jones v Davies	county court Plaintiff's appeal
Surrey, Camberwell Minet v Wilmott	county court Defendant's appeal
Cheshire, Macclesfield Brocklehurst v Lowther (widow) & anr	county court Defendant Lowther's appeal
Yorkshire, W.R. The Queen v Vicar, &c, of Newsome	Nisi for mandamus to restore Sinclair as Sexton
Birmingham Stanley v Farndale Magistrate's case	
Middlesex, Bloomsbury Wells & Co v Bull & anr	county court Defendant Bull's appeal
Yorkshire (W.R.), Leeds The Queen v Recorder of Leeds (expte Oates)	Nisi for mandamus to hear app
Salford Barnes v Rider Magistrate's case	
Berkshire The Queen v Cree & ors (expte Lane)	Nisi for mandamus to elect churchwarden
London Stanton v Scrutton, Sons, & Co County court	def'ts' app
Sunderland Sidgwick v Sunderland Gas Co	Magistrate's case
Kent The Queen v Mayor, &c., of Rochester (expte Local Government Board)	Nisi for mandamus to obey order of Local Government Board
Worcestershire The Queen v Mayor, &c., of Worcester (expte Local Government Board)	Nisi for mandamus to obey order of Local Government Board
Carnarvonshire, Pwllheli Griffith v Parry	County court plt's app
Middlesex, Clerkenwell Greenberg & anr v Simmons	County court def'ts' app
Kent, Greenwich Dodd v Cook & anr	County court def'ts' app
Middlesex, Clerkenwell Murdock & Co v Hill	County Court plt's app
Cheshire Cowap v Atherton	Magistrate's case
Staffordshire Harris v Allwood	Magistrate's case
Middlesex, Shoreditch Grundell v McNamara & Co	county court def'ts' app
London Breuell v Jay & ors (trading, &c.)	Mayor's court plt's appeal
Middlesex, Clerkenwell Crittall v Hart (Galloway, clmt)	county court clmt's appeal
Cumberland, Cockermouth and Workington Wilkinson v Graves	county court plt's appeal
Durham, South Shields Mannion v Palmer's Shipbuilding & Iron Co	county court plt's appeal

CROWN PAPER.

For Judgment.

Lancashire Freer v Murray &amp; ors Quarter Sessions Respondent's nisi to quash (o a v 28 April—coram Pollock, B, and V Williams, J)

Middlesex, Westminster Nash v Galloway county court plt's appeal  
 Middlesex, Clerkenwell Pous v Theelke county court deft's appeal  
 Northumberland, Newcastle Cowper v Hamilton county court deft's appeal  
 McDonald (trading, &c) v Mayor, &c, of Workington appl from official referee plt's appeal  
 London Robertson & anr v Johnson Magistrate's case  
 Monmouthshire, Newport Pilliner & ors v Llantarnam Local Board county court deft's app  
 Yorkshire, Otley Heaton v Jennings county court plt's app  
 Dorsetshire Rutter v Norton magistrate's case  
 Met Pol Dist Madame Tussaud & Sons v London County Council magistrate's case  
 Essex, Malden Parker v Company of Drapers & anr county court appellant's app  
 Derbyshire, Derby Society of Apothecaries, &c v Jones county court plt's app  
 Derbyshire, Derby Same v Same county court plt's app  
 Derbyshire, Derby Same v Same county court plt's app  
 Lancashire, Burnley In re Burnley Industrial Manufacturing Soc Proctor v Jackson (clm't) county court plt's app  
 Met Pol Dist Pudney v Eccles magistrate's case  
 Middlesex, Westminster Barrs v Bush county court plt's app  
 Yorkshire, Bradford McNulty v Padgett county court deft's app  
 Lancashire, Ormskirk & Southport Howard v Tattersall & anr (Darlow, clm't) county court claimant's app  
 Merionethshire Foster v Owen magistrate's case  
 Hampshire, Basingstoke Strickland v Barlow county court plt's app  
 Lincolnshire, Boston Brice & ors v Brooks & anr county court plt's app  
 Wiltshire, Salisbury Knight v Lee county court deft's app  
 Met Pol Dist London County Council v Cardwaine & Co magistrate's case  
 London Oakes v Pini & ors county court plt's app  
 Devonshire Elliott v Totnes Union magistrate's case  
 Middlesex, Brompton Hall v Landquist (Robinson & Fisher, clm'ts) county court clm't's app  
 Newport Mayor, &c, of Newport v Lang & anr magistrate's case  
 Middlesex, Brompton Vernon & ors v Moslin Bros county court deft's app  
 Worcestershire Woodstock Union v Shipton-on-Stow Union Quarter Sessions Orders and case Appellant's nisi to quash  
 Met Pol Dist Ellis v London County Council magistrate's case  
 Worcestershire, Stourbridge Malley v Shepley county court deft's app  
 Suffolk Lewis v Crouch magistrate's case  
 London Drapers' Co of City of London v Hadder magistrate's case

## REVENUE PAPER.

## Petition.

In re Duty on the Estate of the Trustees of the Will of the late Sir T. Gresham and In re Customs and Inland Revenue Act, 1885

Cases Stated as to Income Tax and Stamp Duty.

The Anglo-Continental (late Ohlendorff's) Guano Works, Apples, and Bell, (Surveyor of Taxes), Rept  
 Phoebe Green (Widow), Apples, and Vivian (Surveyor of Taxes), Rept  
 Rothechild & Sons, Apples, and The Commissioners of Inland Revenue, Repts  
 Steele, Apples, and Fowler (Surveyor of Taxes), Rept

## APPEALS AND MOTIONS IN BANKRUPTCY.

Appeals for hearing before a Divisional Court Sitting in Bankruptcy.

In re Newton to be mentioned  
 In re Osborne & Scott  
 In re Harrison  
 In re Cook  
 In re Same  
 In re Bell  
 In re Pollitt  
 In re Miller  
 In re Head  
 In re Sciana  
 In re Kick

Expte Osborne & Scott  
 Expte Official Receiver  
 Expte Vernal  
 Expte Holmes  
 Expte Trustee  
 Expte Minor  
 Expte Foresters' Friendly Soc  
 Expte Kemp & anr  
 Expte M & W H Sciana  
 Expte Kick

Motions in Bankruptcy for hearing before Mr. Justice VAUGHAN WILLIAMS.

In re Head special case  
 In re Henry & Co  
 In re Same  
 In re Franks  
 In re Goldberg  
 In re Wells  
 In re Taylor  
 In re Grain  
 In re Alderson  
 In re Knight  
 In re Bates  
 In re Cohn  
 In re Same  
 In re Linton  
 In re Jocelyn  
 In re Gundelfinger

Expte Keen v Henry, J  
 Expte Same v Henry, Mrs  
 Expte Official Receiver  
 Expte Goldberg  
 Expte Wells v Sully & Collins  
 Expte Waterhouse v Darling  
 Expte Lee  
 Expte Alderson v Kirby  
 Expte Salaman v Becker  
 Expte Langenback v Hobbs  
 Expte Neiderhachische Bank v Edwards  
 Expte Levi v Edwards  
 Expte Finlay v Baker  
 Expte Trotter v Upton  
 Expte Trustee v Stone

In re Hilton  
 In re Digby  
 In re Vansittart  
 In re Mills, Bawtree & Co  
 In re Ryland  
 In re Robertson  
 In re Bailey  
 In re Levy  
 In re Jessop  
 In re Conolly  
 In re Bullough  
 In re Gallant  
 In re Gurney and anr (trading as Barron & Gibson)  
 In re Burr  
 In re Smith, J  
 In re Moas  
 In re Alderson  
 In re Gurney & anr (trading as Barron & Gibson)  
 In re Croaker  
 In re Robertson

Expte Trustee v Schmaltz  
 Expte Trustee v Digby  
 Expte Trustee v K Vansittart  
 Expte Stannard & ors  
 Expte Fuller v Trustee  
 Expte Ford  
 Expte Phillips & Co v Trustee  
 Expte Eder v Trustee  
 Expte Board of Trade  
 Expte Same  
 Expte Same  
 Expte Same  
 Expte Hughes v Nicholls  
 Expte Cookson v Clark  
 Expte Mason v Metropolitan Gas Co  
 Expte Norton v Moss, J  
 Expte Alderson, A v Kirby  
 Expte Nicholls v Scruton  
 Expte Wingham v Whittaker  
 Expte Collins v Farman

## BIRTHS, MARRIAGES, AND DEATHS.

## BIRTH.

DOBSON.—Oct. 13, at Hobart, Tasmania, the wife of the Hon. Alfred Dobson, Solicitor-General, of a son.

## MARRIAGE.

BAMFORD.—FARMER.—Oct. 18, at the Parish Church, Ashborne, by the Rev. Francis Jourdain, vicar, assisted by the Rev. H. Jones, Thomas Henry Broughton Bamford, of Ashborne, solicitor, elder son of the late John Bamford, solicitor, to Louie Orme, elder daughter of Thomas Orme Farmer, J. P., The Firs, Ashborne.

## DEATHS.

HOKE.—Oct. 16, at 114, Dembigh-street, S.W., Bridger Carmichael Hooke, barrister-at-law, aged 64.

LENNOX.—Oct. 17, at 29, Regent-street, George Lennox, of 3, Verulam-buildings, Gray's-inn, Solicitor, aged 35.

WARNING TO INTENDING HOUSE PURCHASERS & LESSERS.—Before purchasing or renting a house have the Sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 65, next the Meteorological Office, Victoria-st., Westminster (Estab. 1876), who also undertake the Ventilation of Offices, &c.—[ADVE.]

## WINDING UP NOTICES.

*London Gazette*.—FRIDAY, Oct. 14.

## JOINT STOCK COMPANIES.

## LIMITED IN CHANCERY.

AUTOMATIC AERATION CO., LIMITED.—Petition for winding up, presented Sept. 19, directed to be heard on Oct. 25 Nield & Stouts, Monument Station bldgs, solars for petitioners. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct. 24.

“BRITTANY” STEAMSHIP CO., LIMITED.—Creditors are required, on or before Nov. 18, to send the particulars, in writing, of their claims to W. J. Trounce, Butte Docks, Cardiff CARLILE PRESS, LIMITED.—Petition for winding up, presented Sept. 30, directed to be heard on Oct. 25 Piess & Son, Old Jewry chmbrs, solars for petitioners. Notice of appearing must reach the abovenamed not later than six o'clock in the afternoon of Oct. 24.

DEVON UNITED CO., LIMITED.—Creditors are required, on or before Nov. 12, to send their names and addresses, and the particulars of their debts or claims, to Peter Watson & James Drayson Austin Norris, 8, Finsbury circus

LONDON STEPH MANUFACTURING CO., LIMITED.—Petition for winding up, presented Sept. 20, directed to be heard on Oct. 25 Learyd & Co, Coleman st, solars for petitioners. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct. 24.

PLYMOUTH TRAMWAYS CO.—Petition for winding up, presented Sept. 8, directed to be heard on Oct. 25 Webb & Co, Queen Victoria st, solars for petitioners. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct. 24.

PROPRIETARY HOUSE AND LAND CORPORATION, LIMITED.—Petition for winding up, presented Oct. 5, directed to be heard on Oct. 25, Boote, King st, Cheapside, solar for petitioners. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct. 24.

SIR TITUS SALT, BART., SONS, & CO., LIMITED.—Petition for winding up, presented Sept. 2, directed to be heard on Oct. 25 Patersons & Co, Lincoln's inn fields, agents for Gardiner & Jeffery, Bradford, solars for petitioners. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct. 24.

## FRIENDLY SOCIETY DISSOLVED.

CAMBERWELL BENEFIT SOCIETY, Camberwell Oct. 16

*London Gazette*.—TUESDAY, Oct. 18.

## JOINT STOCK COMPANIES.

## LIMITED IN CHANCERY.

GLASS BATCH SUPPLY CO., LIMITED.—Creditors are required, on or before Nov. 25, to send their names and addresses, and the particulars of their debts or claims, to Cecil Edward H. Milton Hoskins, Eastcheap bldg, 19, Eastcheap

PORTAGE STAMP AUTOMATIC DELIVERY CO., LIMITED.—Creditors are required, on or before Nov. 18, to send their names and addresses, and the particulars of their debts or claims, to Savidge & Southern, 36, Gracechurch st, solar for liquidator

## FRIENDLY SOCIETIES DISSOLVED.

BIRMINGHAM EAST GRADS ASSOCIATION OF THE NATIONAL INDEPENDENT ORDER OF ODD-FELLOWS, General Hotel, Station st, Birmingham Oct. 12

LIVERPOOL CITY CHEFS' AND WAITERS' CLUB, 8, Cheapside, Liverpool Oct. 12

## CREDITORS' NOTICES.

## UNDER 22 &amp; 23 VICT. CAP. 35.

## LAST DAY OF CLAIM.

*London Gazette*.—TUESDAY, Oct. 11.

BALDWIN, JAMES, Rochdale, Gas Engineer Nov. 9 Standing & Co, Rochdale  
 BANCROFT, SUSANNA, Derby Dec. 1 J & W H Sale, Derby

BARWELL, HENRY, Lewin rd, Streatham, Gent Nov 14 Wood & Wootton, Fish at bill  
 BEAUMONT, Right Hon. HENRY, Baron, Carlton Towers, nr Selby, Yorks Nov 21 Dod & Co, Berners st  
 BOWERS, MARY, Waiters Hall, co Flint Nov 12 Dixon & Lianell, Manchester  
 BROWNING, JOHN WILLIAM, Landport, Portsea, Brewer Nov 30 Edgcumb & Co, Portsea  
 BURTON, MARY PENNY CARE, HOVE, SUSSEX Nov 30 Kennedy & Co, Clement's inn, Strand  
 CAMPFIELD, ELIZABETH MARY, Andover, co Southampton Nov 21 Beck, Ironmongers' Hall  
 CATTELL, HARRIET, Gordon ter, Sydenham Nov 25 Naunton & Son, Cheapside  
 CAWTHORN, WILLIAM, Chesterton, Camb, Brewer Nov 19 Whitehead & Son, Cambridge  
 COHEN, HENRY JAMES, Johannesburg, South African Republic Nov 12 Linklater & Co, Bond st, Walbrook  
 COLLISON, JOHN, Woodplumpton, nr Preston, Horse Dealer Nov 3 Craven, Preston  
 EDWARDS, ELIZABETH CAROLINA, Dudley Nov 11 Jobson, Dudley  
 EVANS, EMMA JANE, Redland, Bristol Nov 18 Siby & Dickinson, Bristol  
 FULLER, GEORGE ARTHUR, Lombard st, Esq. Nov 15 Sandilands & Co, Fenchurch Avenue  
 HILL, THOMAS, Bumhill row, Gasfitter Nov 28 Woodbridge & Sons, Serjeants' inn  
 LONGSTAFF, GEORGE DIXON, Southfields, Wandsworth, Doctor of Medicine Oct 31 Remshaw & Co, Suffolk lane  
 MATTHEWS, JOHN, Weston super Mare, Brick Manufacturer Nov 7 Smith & Sons, Weston super Mare  
 McNIVEN, CHARLES MAUNOIR, Oxted, Surrey, Clerk in Holy Orders Dec 1 Ormerod & Allen, Manchester  
 MOFFATT, MARTIN, Monkswearmouth, Grocer Nov 17 J & W J Robinson, Sunderland  
 OPENSHAW, HENRY, Southport, Cotton Spinner Nov 6 Ashington, Southport  
 PERRY, ROBERT KENCH, Seven Sisters rd, Holloway, Greengrocer Nov 12 Francis, Union crt, Old Broad st  
 RICHARDS, BETSEY, Torquay Nov 7 Woosman & Crowd, Newton Abbot  
 RICHARDS, HENRY HEATHERLY, Stoke Damerel, Devon, Mariner Nov 6 Gush & Co, Finsbury circus  
 RIDLEY, PETER WILLIAM, Westdown rd, Stratford Nov 15 Freeman & Son, Gutter lane, Cheapside  
 ROBERTS, CATHERINE MARY, Brynbell, Streatham Dec 6 Scott & Spalding, Queen st, Queen Victoria st  
 SALZMAN, FREDERICK WILLIAM, Brighton, Surgeon Nov 7 Upperton & Bacon, Brighton  
 SANDERSON, ANNIE, Doncaster Nov 23 Oxley & Coward, Rotherham  
 SAXELBY, CHARLES, Shrewsbury, retired Tailor Nov 11 Sandford, Shrewsbury, and Wade, Shrewsbury  
 SHEPPARD, WILLIAM, Stourton Caundle, Dorset, Farmer Nov 7 Wilson & Sons, Salisbury and Wilton  
 SMITH, ANN, Mervin rd, Brixton Nov 12 Comyns, Gracechurch st  
 SPURFOLD, JAMES, Brighton, Clerk in Holy Orders Nov 21 Freshfields & Williams, Bank bldgs  
 TARRANT, FREDERICK, Cuthill rd, Denmark hill, Gent Nov 5 Bertie, St Benet pl, Gracechurch st  
 TAYLOR, MARY, Newton, Hyde, co Chester Nov 5 Broadsmith & Stead, Manchester  
 THOMPSON, STEPHEN, Backworth, Northumbri, retired Blacksmith Nov 28 Gee & Dunn, Newcastle upon Tyne  
 THRELFAL, PETE, Lathom, Lancs, Farmer Jan 7 Whitaker, Duchy of Lancaster office  
 UNWIN, THOMAS, Redman's rd, Mill end, Gent Nov 7 Storr, Gt Prescot st, Whitechapel  
 WALL, GEORGE MORRIS, Lyric climbs, Whitcomb st Nov 14 Bannister & Co, John st, Bedford row; Dobbyn & Co, Waterford  
 WILLIAMS, JOHN, Boones, Kent, Esq Nov 19 Grundy & Co, Manchester  
 WROGLEY, EDWIN GRUNDY, Howick house, nr Preston, Esq Nov 21 Mead & Sons, Arundell st, Piccadilly circus

## BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 14.

## RECEIVING ORDERS.

ALLEN, SAMUEL, Sheffield, Solicitor Sheffield Pet Oct 10 Ord Oct 10  
 BAINES, HUGH, Leeds, Provision Dealer Leeds Pet Oct 10 Ord Oct 10  
 BAXTER, MICHAEL, PAGE (jun), Cheapside, Auctioneer High Court Pet Sept 30 Ord Oct 12  
 BLEAS, HENRIETTA, Altringham, Cheshire, Newsagent Manchester Pet Oct 12 Ord Oct 12  
 BRANSON, CHARLES, Leicester, formerly Grazier Leicester Pet Oct 11 Ord Oct 11  
 BURKE, WILLIAM, New Swindon, Wilts, Painter Swindon Pet Oct 11 Ord Oct 11  
 CAULFIELD, JOHN, Salford, Baker Salford Pet Oct 11 Ord Oct 11  
 CHEVILLIER, E. St John st, West Smithfield, Provision Merchant High Court Pet Sept 2 Ord Oct 10  
 CLARK, WILLIAM, Dagenham, Essex, Farmer Chelmsford Pet Oct 10 Ord Oct 10  
 CLIMSON, WILLIAM, and ARTHUR CLIMSON, Chesham, Bucks, Boot Dealers Aylesbury Pet Sept 23 Ord Oct 10  
 CORNISH, THOMAS GILBERT, Camborne, Cornwall, Carriage Builder Tiverton Pet Oct 11 Ord Oct 11  
 COX, THOMAS, Albany st, Regent's Park High Court Pet Sept 14 Ord Oct 12  
 CROSS, THOMAS NEVILLE, Bedford row, Solicitor High Court Pet Sept 16 Ord Oct 10  
 DELVE, FANNIE, Mary, Woolacombe, North Devon, Devon, Grocer Bathstable Pet Oct 12 Ord Oct 12  
 DICKINSON, BENJAMIN, the younger, Aspley, Huddersfield, Dyer Huddersfield Pet Sept 25 Ord Oct 10  
 DOWNING, SAMUEL GEORGE, Gislingham, Suffolk, Surgeon Ipswich Pet Oct 12 Ord Oct 12  
 EAST, MARGARET, Upper North st, Poplar, Mineral Water Manufacturer High Court Pet Oct 8 Ord Oct 8  
 EVANS, LUCY, Monmouth, Grocer Newport, Mon Pet Oct 10 Ord Oct 10  
 EVANS, OWEN WILLIAM, Cramerton, Grocer Bangor Pet Oct 12 Ord Oct 12  
 GARNETT, HENRY, Thackley, nr Bradford, late Innkeeper Bradford Pet Oct 10 Ord Oct 10  
 GARNETT, WILLIAM, Landport, Secretary to Ferrumite Co Portsmouth Pet Sept 28 Ord Oct 10

GOUGH, CLEMENT, Longton, Staffs, Fancy Dealer Longton Pet Oct 11 Ord Oct 11  
 GRAHAME, JAMES, Carlisle, Commercial Traveller Carlisle Pet Oct 10 Ord Oct 10  
 HALES, DANIEL, Bedworth, Warwickshire, Grocer Coventry Pet Oct 12 Ord Oct 12  
 HUGILL, GEORGE WILSON, Griswthorpe, Yorks, Joiner Scarborough Pet Oct 12 Ord Oct 12  
 JENKINS, HENRY DIX, Cambridge rd, Teddington, Gent Kingston, Surrey Pet Oct 1 Ord Oct 7  
 JENKINS, HENRY EDWARD, Cambridge rd, Teddington, retired Grocer Kingston, Surrey Pet Sept 1 Ord Oct 7  
 JENKINS, JOHN, Alltwen, Pontardawe, Glam, Labourer Neath Pet Oct 12 Ord Oct 12  
 LEWIS, JAMES EDWARD, Porth, Glam, Police Officer Pontypridd Pet Sept 30 Ord Oct 10  
 LEYLAND, JOHN, Lye Green, nr St Helen's, Colliery Fireman Liverpool Pet Oct 12 Ord Oct 12  
 MAWSON, CATHERINE, Kimcote, Leics, Farmer Leicester Pet Sept 20 Ord Oct 11  
 MILLARD, ARTHUR THOMAS, Landport, Baker Portsmouth Pet Oct 12 Ord Oct 12  
 MILLWARD, HENRY, Leominster, Herefordshire, Builder Leominster Pet Oct 10 Ord Oct 10  
 MITCHELL, CHARLES COCKSHOTT, Cullingsworth, Yorks, late Grocer Bradford Pet Oct 8 Ord Oct 8  
 MORGAN, ELLEN, Birmingham, Fishmonger Birmingham Pet Oct 7 Ord Oct 10  
 MULLEN, JOHN, Newcastle on Tyne, Cabinet Maker Newcastle on Tyne Pet Oct 10 Ord Oct 10  
 MURRILLS, RICHARD, Harwich, Essex, Temperance Restaurant Keeper Colchester Pet Oct 10 Ord Oct 10  
 PENNEY, ARTHUR PRABSON, Ruisly, nr Bishopstone, Wilts, Owner of Race Horses Swindon Pet Sept 17 Ord Oct 10  
 PERREY, WILLIAM HENRY, Trevalan, Glam, General Dealer Pontypridd Pet Oct 8 Ord Oct 8  
 PLATTS, ARTHUR, Workop, Notts, Fishmonger Sheffield Pet Oct 12 Ord Oct 12  
 REES, FREDRICK HENRY, Horsham, Sussex, Baker Brighton Pet Oct 11 Ord Oct 11  
 SAUL, WILLIAM, Askern, nr Doncaster, Grocer Sheffield Pet Oct 12 Ord Oct 12  
 SHERWOOD, WILLIAM JOHN, Elenbridge, Kent, Farmer Tunbridge Wells Pet Oct 12 Ord Oct 12  
 STEWART, HARRIET, Cheriton, Kent, late General Shop Keeper Canterbury Pet Oct 12 Ord Oct 12

London Gazette.—FRIDAY, Oct. 14.

ASHTON, ELIZA FANNY, Tunbridge Wells Nov 25 Andrew & Cheale, Tunbridge Wells  
 BAGGERY, ANDREW, Exeter, Butcher Nov 21 Gould & Crompton, Exeter  
 BACHELOR, ALFRED ALBERT EDWARD, Chute, Wilts, Farmer Nov 20 Longman, Andover, Hants  
 BREWER, JAMES, Finsbury pk rd, Wholesale Clothier's Manager Dec 24 Francis & Calley, Austinfriars  
 BUCKLEY, ROBERT, Patricroft, Lancs Nov 15 Preston, Manchester  
 CROWHURST, HERBERT, Horsebridge, Hellingsley, Sussex, Veterinary Surgeon Nov 30 Hillman, Lewes  
 DALE, GEORGE, Kingston upon Hull, Gent Nov 10 Thompson & Co, Hull  
 DOD, MARY CATHERINE, Worcs st Nov 26 Simmons & Co, Bath  
 DOUGLAS, LOUISA, Redhill, Surrey Nov 14 Snow & Co, Gt St Thomas Apostle  
 DOWDING, BARBARA, Duke st, Manchester sq Nov 30 Rooke & Coker, Bath  
 DRAPER, ANN, Easterton, Wilts Dec 2 Meek & Co, Devizes  
 GAMAN, CHRISTIANA, Tattenhall, co Chester Nov 8 Pearson, Market Drayton  
 HARRISON, JAMES, jun, Wolverhampton, Brewer's Traveller Nov 25 Wilcock & Taylor, Wolverhampton  
 HILLIN, BENJAMIN, Alderton, Suffolk, Farmer Nov 19 Gross, Woodbridge  
 HILLES, EMMA, Alderton, Suffolk, Farmer Nov 19 Gross, Woodbridge  
 HOLDEN, CHARLES HENRY, Bromley Cross, nr Bilton Nov 30 Holden & Holden, Bolton  
 HOUGHTON, PETER, St Helen's, retired Farmer Nov 30 Andell & Eccles, St Helens  
 HOWARD, THOMAS, Crewe, Contractor Nov 14 Hill, Crewe  
 KNAPMAN, GRACE, Paignton, Devon Nov 19 Eastley & Co, Paignton  
 KNOWLES, SARAH ANN, Greenheys, Manchester Nov 20 Chorlton, Manchester  
 LAMBEET, VIOLETTA, Seaham Harbour Nov 21 Wright, Seaham Harbour  
 LATHAM, ANN, Broughton in Furness, Lancs Nov 10 Laces & Co, Liverpool  
 LEIGH, JONATHAN, Huddersfield, Innkeeper Nov 15 Sykes, Huddersfield  
 LEWIS, THOMAS, Pentre, Estyall, Swansea, retired Hammerman Nov 21 Thomas & Co, Swansea  
 NIGHTINGALE, JAMES EDWARD, Fuggleton St Peter, Wilts, Esq Nov 12 Wilson & Sons, Salisbury and Wilton  
 OWEN, JOHN, Barrington rd, Brixton, Gent Dec 12 Burton, Blackfriars rd  
 PHIPPS, ELIZABETH ANN FRANCES, Stockwell crnt Nov 30 Bell & Co, Lincoln's inn fields  
 PILGRIM, JOHN THOMAS, Gt Chesterford, Essex, Brewer Oct 28 Collin, Saffron Walden  
 RIDLEY, PETER WILLIAM, Westdown rd, Stratford Nov 15 Freeman & Son, Gutter lane, Cheapside  
 SIRGEANT, HENRY, Euston rd, Tutor Oct 28 Blount & Co, Arundel st, Strand  
 SHEPPARD, SARAH, Burcombe, Wilts Nov 12 Wilson & Sons, Salisbury and Wilton  
 STREET, JOHN BAMPFIELD, Old sq, Lincoln's inn, Barrister at law Nov 29 Hore & Patterson, Lincoln's inn fields  
 SWAIN, THOMAS, Rochdale, retired Grocer Nov 12 Stott & Son, Rochdale  
 TEMPEST, SELINA, Derby Nov 5 Barber & Co, Derby  
 UBRIDGE, WILLIAM, Charley, Sussex, Farmer Nov 13 Hillman, Lewes  
 VICKRIDGE, WILLIAM HENRY, Sutherland sq, Walworth rd, China Dealer Nov 21 Keen & Co, Knightbridge st  
 WHITE, CHARLOTTE, Cambridge st, Paddington Dec 21 Savage, Ludgate hill  
 WICKS, ELIZA, Worthing Nov 21 Verrall, Worthing  
 WOOD, WILLIAM, Esq, M.D., F.R.C.P., Harley st Nov 26 Turner, Lincoln's inn fields

VIDLER, GEORGE, Tunbridge Wells, Carpenter Tunbridge Wells Pet Oct 12 Ord Oct 12  
 WARD, ALFRED ERNEST, Weaste, Salford, Builder Salford Pet Oct 12 Ord Oct 12  
 WEILIN, ANNIE MARIA, Honley, Earthware Manufacturer Honley Pet Oct 10 Ord Oct 10  
 WEYGANG, LOUIS HENRY, Heath st, Hampstead, Watch-High Court Pet Oct 12 Ord Oct 12  
 WILKINSON, JOHN, Belper, Derby, Wineseller Leeds Pet Oct 11 Ord Oct 11  
 WORRELL, GEORGE, Derby, Beerhouse Keeper Derby Pet Oct 11 Ord Oct 11  
 WRIGHT, JAMES, Swansea, Temperance Drinker Manufacturer Swansea Pet Oct 10 Ord Oct 10

## FIRST MEETINGS.

ALLEN, RICHARD, Kidderminster, Tailor Oct 21 at 2 Ivens & Morton, solicitors, Kidderminster  
 ATKINSON, FREDERICK, Stockton on Tees, Ironmonger Oct 21 at 11.30 Off Rec, Pink lane, Newcastle on Tyne  
 BENNETT, HENRY, Black Heath, Staffs, Clothier Oct 21 at 10.30 Off Rec, Dudley  
 BENSON, THOMAS, Goodge st, Tottenham court rd, Fruiterer Oct 25 at 12 Bankruptcy bldgs, Carey st  
 BOOTHMAN, JOSEPH, Oswaldtwistle, Lancs, Labourer Nov 2 at 1.30 County Court house, Blackburn  
 BRANSON, CHARLES, Leicester, formerly Grazier Oct 21 at 12.30 Off Rec, 31 Friar lane, Leicester  
 BROOKE, JOHN, Birmingham, formerly Licensed Victualler Oct 24 at 11 23 Colmore row, Birmingham  
 BURSTON, EMMA, Whatcroft, nr Northwich, Farmer Oct 28 at 10.45 Royal Hotel, Crewe  
 COPELAND, WALTER THOMAS, Kidderminster, Baker Oct 21 at 1.45 Ivens & Morton, solicitors, Kidderminster  
 DAVIES, JOHN, Tonypandy, Glam, Builder Oct 21 at 12 Off Rec, Mortuary Tydfil  
 DAWES, WILLIAM, Burnley, Journeyman Painter Nov 3 at 1.30 Exchange Hotel, Nicholas st, Burnley  
 DERBYSHIRE, JOHN, the older, Langton, Staffs, Engineer Oct 26 at 11.15 Off Rec, Newcastle under Lyme  
 DICKINSON, BENJAMIN, the younger, Aspley, Huddersfield, Dyer Oct 24 at 3 Off Rec, 6 Queen st, Huddersfield  
 EVERARD, CHRISTOPHER, Lucas rd, Abbey lane, Stratford, Builder Oct 21 at 11 Bankruptcy bldgs, Carey st  
 FROOKES, ELI, Southsea, Coal Merchant Oct 21 at 3 Off Rec, Cambridge Junc, High st, Portsmouth

GARNETT, HENRY, Thackley, nr Bradford, late Innkeeper Oct 25 at 11 Off Rec, 31, Manor row, Bradford  
 GARNETT, WILLIAM, Landport, Secretary to Ferrumite Co Nov 7 at 3.30 Off Rec, Cambridge June, High st, Portsmouth  
 GILES, EDWIN, Yeovil, Tailor Oct 21 at 1 Off Rec, Salisbury  
 GRAHAME, JAMES, Carlisle, Commercial Traveller Oct 21 at 12, Lonsdale st, Carlisle  
 HAWKES, EDWARD WILLIAM, Clerkenwell close, Electrotyper Oct 21 at 12 Bankruptcy bldgs, Carey st  
 HILL, HENRY MARK, Heath Town, nr Wolverhampton, Brick Manufacturer Oct 25 at 11.30 Off Rec, Wolverhampton  
 HORN, FREDERICK, Sunderland, Beerhouse Keeper Oct 21 at 2 Off Rec, 25, John st, Sunderland  
 LORENZ, LOUIS, Catherine st, Canning Town, Master Baker Oct 24 at 11 Bankruptcy buildings, Carey st  
 MANDER, THOMAS RIDGE, Frith rd, Leyton, recently Publican Oct 24 at 2.30 Bankruptcy bldgs, Carey st  
 MANN, WILLIAM, Hornsby, Sussex, Coal Merchant Oct 25 at 12 Off Rec, 4, Pavilion bldgs, Brighton  
 MANSFIELD, HARLEY, Normanton in Heath, Leics, Wheelwright Oct 25 at 11.15 Midland Hotel, Station st, Burton on Trent  
 MARSHALL, H T LISTERBIDGE, Devereux st, Temple Oct 25 at 2.30 Bankruptcy bldgs, Carey st  
 MAWSON, CATHERINE, Kimcote, Leics, Farmer Nov 2 at 3.30 Off Rec, 34, Friar lane, Leicester  
 MEDCALF, JAMES DRIVER, Hertford, Auctioneer Oct 21 at 11.30 Shirehall, Hertford  
 MILLARD, ARTHUR THOMAS, Landport, Baker Nov 7 at 12.30 Off Rec, Cambridge Junction, High st, Portsmouth  
 MILLWARD, HENRY, Leominster, Herefordshire, Builder Oct 22 at 2.30 Off Rec, 2, Offa st, Hereford  
 MITCHELL, CHARLES COCKSHOTT, Cullingworth, Yorks, late Grocer Oct 24 at 11 Off Rec, 31, Manor row, Bradford  
 MURRILL, RICHARD, Harwich, Essex, Temperance Restaurant Keeper Oct 21 at 12 Off Rec, 36, Princes st, Ipswich  
 NICHOLAS, A. R., Cardiff, Colliery Proprietor Oct 21 at 12 Off Rec, 29, Queen st, Cardiff  
 NICHOLAS, DAVID, Pembridge Dock, Innkeeper Oct 22 at 11 Off Rec, 11, Quay st, Carmarthen  
 ORMSTON, JAMES WILKS, Hugheenden rd, Hammersmith, Builder Oct 24 at 1 Bankruptcy bldgs, Carey st  
 PAPE, JOHN HENRY, Fowey, Cornwall, Machinist Oct 23 at 12.30 Off Rec, Boscombe st, Truro  
 PUGH, EDWARD JOHN, Longton, Staffs, Earthenware Manufacturer Oct 26 at 11.45 Off Rec, Newcastle under Lyme  
 RET, JULES, Clerkenwell rd, Merchant in Clocks Oct 26 at 12 Bankruptcy bldgs, Carey st  
 SAUNDERS, THOMAS BEALY, and ASHBY VALEY SAUNDERS, Cleckheaton, Yorks, Chemical Manufacturers Oct 27 at 11 Off Rec, 31, Manor row, Bradford  
 SCAMMELS, HARRIET, Garvagh, Nantyglo, Mon, Boot Dealer Oct 21 at 3 Off Rec, 29, Queen st, Cardiff  
 SCOTT, THOMAS, South Shields, Baker Oct 21 at 12 Off Rec, Pink lane, Newcastle on Tyne  
 SMITH, THOMAS, Grimsby, Wors, Market Gardener Oct 22 at 10.30 Off Rec, 46, Copenhagen st, Worcester  
 STRONG, WILLIAM and ROBERT HEDLEY STRONG, Cardiff, Shipowners Oct 21 at 2.30 Off Rec, 29, Queen st, Cardiff  
 SWEET, SILAS JOHN, Llanelli, Painter Oct 22 at 3 Off Rec, 11, Quay st, Carmarthen  
 WILLIAMS, WILLIAM WAINRIGHT, Birmingham, late Builder Oct 25 at 11, Colmore row, Birmingham  
 WORRALL, GEORGE, Derby, Beerhouse Keeper Oct 21 at 12 Off Rec, St James's chmrs, Derby  
 WRIGHT, JAMES, Swansea, Temperance Drinks Manufacturer Oct 21 at 12 Off Rec, 31, Alexandra rd, Swansea

**ADJUDICATIONS.**

ALLEY, SAMUEL, Sheffield, Solicitor Sheffield Pet Oct 10 Ord Oct 10  
 BAINES, HUGH, Leeds, Provision Dealer Leeds Pet Oct 10 Ord Oct 10  
 BENSON, THOMAS, Goodge st, Tottenham et rd, Fruiterer High Court Pet Oct 5 Ord Oct 12  
 BLEASDE, HENRIETTA, Altrincham, Cheshire, Newsagent Manchester Pet Oct 12 Ord Oct 12  
 BOY, RICHARD, Horley, Surrey, Corn Merchant Croydon Pet June 10 Ord Oct 6  
 BRANNOX, CHARLES, Leicester, formerly Glazier Leicester Pet Oct 11 Ord Oct 11  
 BUSHELL, WILLIAM, and FREDERICK GEORGE BUSHELL, Margate, Kent, Builders Canterbury Pet Sept 5 Ord Oct 10  
 BUTTON, WILLIAM, New Swindon, Wilts, Painter Swindon Pet Oct 11 Ord Oct 11  
 CAULFIELD, JOHN, Salford, Baker Salford Pet Oct 10 Ord Oct 11  
 COHEN, THOMAS GILBERT, Camborne, Cornwall, Carriage Builder Truro Pet Oct 11 Ord Oct 11  
 DOWING, SAMUEL GEORGE, Gillingham, Suffolk, Surgeon Ipswich Pet Oct 11 Ord Oct 12  
 EAST, MARGARET, Upper North st, Poplar, Mineral Water Manufacturer High Court Pet Oct 8 Ord Oct 10  
 EVANS, LUCY, Monmouth, Grocer Newport, Mon Pet Oct 10 Ord Oct 10  
 EVANS, OWEN WILLIAM, Carmarvon, Grocer Bangor Pet Oct 12 Ord Oct 12  
 EVERARD, CHRISTOPHER, Lucas rd, Abbey lane, Stratford, Builder High Court Pet Oct 26 Ord Oct 8  
 GARNETT, HENRY, Thackley, nr Bradford, Innkeeper Bradford Pet Oct 10 Ord Oct 10  
 GILES, EDWIN, Yeovil, Tailor Yeovil Pet Oct 7 Ord Oct 11  
 GOUGH, CLEMENT, Longton, Staffs, Fancy Dealer Longton Pet Oct 11 Ord Oct 11  
 GRAHAME, JAMES, Carlisle, Commercial Traveller Carlisle Pet Oct 8 Ord 10  
 HOLLISWORTH, JAMES, Beckenham, Kent, Builder Croydon Pet Sept 30 Ord Oct 8

HOOD, ALFRED, Bethnal Green rd, Builder High Court Pet Aug 61 Ord Oct 12  
 HUGILL, GEORGE WILSON, Gristhorpe, Yorks, Joiner Scarcborough Pet Oct 18 Ord Oct 12  
 JENKINS, HENRY EDWARDS, Cambridge rd, Teddington, retired Grocer Kingston, Surrey Pet Aug 9 Ord Oct 12  
 JENKINS, JOHN, Alltwn, Pontardawe, Labourer Neath Pet Oct 15 Ord Oct 12  
 LEWIS, JAMES EDWARD, Porth, Glam, Police Officer Pontypridd Pet Sept 29 Ord Oct 10  
 LONDON, JOHN, and EDMUND LONDON, late George st, Richmond, Corn Merchants High Court Pet Sept 9 Ord Oct 12  
 MERREMAN, JOHN JAMES, Birmingham, General Dealer Birmingham Pet Oct 8 Ord Oct 11  
 MILLARD, ARTHUR THOMAS, Landport, Baker Portsmouth Pet Oct 11 Ord Oct 12  
 MILLONS, WILLIAM, Jesmond, Newcastle on Tyne, Gent Newcastle on Tyne Pet Sept 3 Ord Oct 10  
 MILLWARD, HENRY, Leominster, Herefordshire, Builder Leominster Pet Oct 8 Ord Oct 10  
 MILLETT, JOHN, Newcastle on Tyne, Cabinet Maker Newcastle on Tyne Pet Oct 10 Ord Oct 11  
 MURKILL, RICHARD, Harwich, Essex, Temperance Restaurant Keeper Colchester Pet Oct 10 Ord Oct 10  
 NORTHCOPE, EDITH, Thurlow pl, South Kensington, Spinster High Court Pet Sept 9 Ord Oct 8  
 PAINCHARD, ALFRED TOM, Abingdon, Berks, Seedman Oxford Pet Sept 30 Ord Oct 12  
 PERBY, WILLIAM HENRY, Treawley, Glam, General Dealer Pontypridd Pet Oct 8 Ord Oct 8  
 PURVER, RUTH JANE, Scarborough, Dealer in Fancy Goods Scarborough Pet Oct 7 Ord Oct 12  
 REES, FREDERICK HENRY, Horsham, Sussex Baker Brighton Pet Oct 10 Ord Oct 11  
 SAUL, WILLIAM, Askern, nr Doncaster, Grocer Sheffield Pet Oct 12 Ord Oct 12  
 STEWARD, HARRIET, Cheriton, Kent, late General Shop Keeper Canterbury Pet Oct 11 Ord Oct 12  
 TUFOLOVE, FRANCIS MICHAEL and EDWARD JOHN MERCER, Fulham rd, Furniture Dealers High Court Pet Aug 11 Ord Oct 10  
 TUKE, JOHN HENRY, Cambridge st, Pimlico, Surgeon High Court Pet July 27 Ord Oct 8  
 VOWLER, MARIA CATHERINE, Ventnor, I W, Widow Newport and Ryde Pet Sept 7 Ord Oct 12  
 WADE, ALFRED ERNEST, Weaste, Salford, Builder Salford Pet Oct 6 Ord Oct 12  
 WILKINSON, ROBERT, Leeds, Wines Seller Leeds Pet Oct 11 Ord Oct 11  
 WOLBRO, JOEL, Brick lane, Spitalfields, Woollen Merchant High Court Pet Oct 8 Ord Oct 12  
 WORRALL, GEORGE, Derby, Beerhouse Keeper Derby Pet Oct 11 Ord Oct 11  
 WRIGHT, JAMES, Swansea, Temperance Drinks Manufacturer Swansea Pet Oct 10 Ord Oct 10

**London Gazette—TUESDAY, Oct. 18.**

**RECEIVING ORDERS.**

ALLEY, CHARLES, Mildenhall, Suffolk, Florist Bury st Edmunds Pet Oct 15 Ord Oct 15  
 BALE, HERBERT WILLIAM, Bradford on Avon, Boot Maker Bath Pet Oct 15 Ord Oct 15  
 BOOP, CHARLES HENRY CARRY, Kettering, Marque Contractor Northampton Pet Oct 12 Ord Oct 12  
 BRANDT, JULES, Warwick rd, Kensington, Tutor High Court Pet Oct 15 Ord Oct 15  
 COHEN, HENRY, Manchester, Tailor Manchester Pet Oct 15 Ord Oct 15  
 COLLARD, RICHARD, Hastings, Steamship Owner Hastings Pet Sept 30 Ord Oct 15  
 DAKING, ABRAHAM, Nodding, Suffolk, Farmer Ipswich Pet Oct 14 Ord Oct 14  
 DAVIES, SARAH, Torquay, Milliner Exeter Pet Oct 14 Ord Oct 14  
 DAY, THOMAS, Egerton, Kent, Farmer Canterbury Pet Oct 14 Ord Oct 14  
 DENTON, JAMES WILLIAM, and JAMES EDWIN DARRY, Leeds, Wholesale Clothiers Leeds Pet Oct 12 Ord Oct 12  
 FOX, JOHN, Bristol, Painter Bristol Pet Oct 14 Ord Oct 14  
 FUDGE, THOMAS, St George's, Glos, Boot Manufacturer Bristol Pet Oct 11 Ord Oct 14  
 GROOM, JOSEPH, Camberwell New rd, Licensed Victualler High Court Pet Sept 24 Ord Oct 14  
 HAYWARD, WILLIAM JAMES, and HENRY ALFRED HAYWARD, Maesteg, Glam, Brassfounders Cardiff Pet Oct 13 Ord Oct 13  
 HILL, JOHN, Middlesbrough, retired Builder Middlesbrough Pet Oct 12 Ord Oct 12  
 HORTON, WILLIAM, Ormskirk, Cabinet Maker Liverpool Pet Oct 13 Ord Oct 13  
 HUTTON, ROBERT, Wall on Tyne, Clerk in Holy Orders Newcastle on Tyne Pet Oct 13 Ord Oct 13  
 JARVIE, LEONARD, Lane End, nr High Wycombe, Bucks, Chair Manufacturer Aylesbury Pet Oct 14 Ord Oct 14  
 JOHN, REED, Blaenarvon, Glam, Tailor Cardiff Pet Oct 12 Ord Oct 13  
 JONES, THOMAS, Pontypridd, Glam, Outfitter Pontypridd Pet Oct 14 Ord Oct 14  
 JONES, WILLIAM JAMES, Aston juxta Birmingham, Haulier Birmingham Pet Oct 14 Ord Oct 14  
 KENNEDY, GEORGE, New Cle, Great Grimby, Fisherman Great Grimby Pet Oct 12 Ord Oct 12  
 KITCHING, ELIZABETH, Bournemouth, Boarding house Keeper Poole Pet Oct 12 Ord Oct 12  
 LAVENDER, JOHN, Bradford, Grocer Bradford Pet Oct 13 Ord Oct 13  
 LOWENDER, GEORGE ARTHUR, Prestwood, Denstone, Staffs, Farm Labourer Burton on Trent Pet Oct 14 Ord Oct 14  
 MITCHELL, SAMUEL THOMAS, Bridgend, Glam, Confectioner Cardiff Pet Oct 13 Ord Oct 13  
 MURFET, ALFRED, Fordham, Cambs, Coal Merchant Cambridge Pet Oct 14 Ord Oct 14  
 NORRIS, LEONARD GRAY, Birmingham, Hosier Birmingham Pet Oct 15 Ord Oct 15  
 OGLESBY, ISAAC, York, Coal Dealer York Pet Oct 14 Ord Oct 14

**PARKER, WALTER RALEIGH, and THOMAS JOHN PEDRETT, Cardiff, Contractors Cardiff Pet Oct 10 Ord Oct 10**  
**PEARSON, BENJAMIN, Cardiff, Licensed Victualler Cardiff Pet Oct 11 Ord Oct 12**  
**PRICE, WILLIAM MORGAN, Trelokey, Glam, Watchmaker Pontypridd Pet Oct 14 Ord Oct 14**  
**ROTHMELL, JOHN, Wellingborough, late Butcher Northampton Pet Oct 19 Ord Oct 12**  
**ROTHORPE, THOMAS, Almondbury, nr Huddersfield, Nurseriesman Huddersfield Pet Oct 4 Ord Oct 14**  
**ROW, MARGARET, and THOMAS BENNISON Row, Lancaster, Farmers Preston Pet Oct 15 Ord Oct 15**  
**BOWLEY, RICHARD, Liverpool, Team Owner Liverpool Pet Sept 29 Ord Oct 14**  
**SELLERS, RICHARD, Kingston upon Hull, Commercial Traveller Kingston upon Hull Pet Oct 14 Ord Oct 14**  
**SINCLAIR, CHARLES BOGAN, Horsforth, nr Leeds, Surgeon Leeds Pet Oct 12 Ord Oct 12**  
**SMALLCOMBE, JOHN WILLIAM, Swansea, General Dealer Swansea Pet Oct 13 Ord Oct 13**  
**SMITH, BENJAMIN, Burnley, Cattle Drover Burnley Pet Oct 13 Ord Oct 13**  
**SMITH, FREDERICK, Greenwich, General Salesman Greenwich Pet Oct 10 Ord Oct 10**  
**SPICER, ALFRED, Kingston upon Hull, Tailor Kingston upon Hull Pet Aug 18 Ord Oct 12**  
**SQUERRY, JOSEPH HATHORPE, Carmarthen, Licensed Victualler Carmarthen Pet Oct 14 Ord Oct 14**  
**SPURWAY, JOHN, Shute, Devon, Bootmaker Exeter Pet Oct 13 Ord Oct 13**  
**STEELE, THOMAS J, Gracechurch st High Court Pet Sept 5 Ord Oct 18**  
**SYKES, EDWARD WILLIAM, Bradford, Spindle Maker Bradford Pet Oct 7 Ord Oct 12**  
**THOMAS, DAVID GRIFFITH, Yatalyfara, Glam, Grocer Neath Pet Oct 13 Ord Oct 13**  
**TRACY, PATRICK, Tunbridge Wells, late Licensed Victualler Tunbridge Wells Pet Sept 9 Ord Oct 13**  
**WEINER, BRUNO, Westgate on Sea, Kent, Hairdresser Canterbury Pet Sept 26 Ord Oct 14**  
**WILLIAMS, EDWIN GEORGE, Roath, Cardiff, Commercial Traveller Cardiff Pet Oct 3 Ord Oct 3**  
**WILLIAMS, LEWIS, Ironbridge, Salop, Tailor Madeley Pet Oct 12 Ord Oct 13**  
**WILLIAMS, THOMAS, Blackmill, nr Bridgend, Glam, Quarryman Cardiff Pet Oct 13 Ord Oct 13**

The following amended notice is substituted for that published in the London Gazette, Aug. 2:—

BLEASDE, HENRIETTA, Altrincham, Cheshire, Newsagent Manchester Pet Oct 12 Ord Oct 12

**FIRST MEETINGS.**

ACWORTH, EDWARD JAMES, Westcroft sq, Hammersmith, Newspaper Manager Oct 25 at 11 Off Rec, 95, Temple chmrs, Temple avenue

ALDEN, GEORGE, Well st, Hackney, Boot Manufacturer Oct 27 at 13 Bankruptcy bldgs, Carey st

ASHWORTH, ANN, and ELIZABETH OUTRAM, Greeland, nr Halifax, formerly Dyers Oct 28 at 11 Off Rec, Town-hall chmrs, Halifax

BLEASDE, HENRIETTA, Altrincham, Cheshire, Newsagent Oct 26 at 3 Ogden's chmrs, Bridge st, Manchester

BOUCHER, SYDNEY, Bowers st, Oxford at Oct 25 at 1 Bankruptcy bldgs, Carey st

CAULFIELD, JOHN, Salford, Baker Oct 25 at 3 Ogden's chmrs, Bridge st, Manchester

CLEMENTS, WILLIAM CHARLES, Rickmansworth, Herts, Grocer Oct 25 at 3 Off Rec, 95, Temple chmrs, Temple avenue

CORNISH, THOMAS GILBERT, Camborne, Cornwall, Carriage Builder Oct 25 at 13.30 Off Rec, Boscombe st, Truro

COX, THOMAS ALFRED, Regent's pk Pet Oct 27 at 11 Bankruptcy bldgs, Carey st

CHADWICK, ABRAHAM, Nodding, Suffolk, Farmer Oct 26 at 2.30 Town-hall, Hadleigh

DANSON, SARAH, Torquay, Milliner Oct 27 at 10 Off Rec, 15, Bedford circus, Exeter

DAVIES, JOHN, Liverpool, late Publican Oct 26 at 12 Off Rec, 35, Victoria st, Liverpool

EVANS, LUCY, Monmouth, Grocer Oct 26 at 11 Off Rec, Gloucester Bank chmrs, Newport, Mon

FOX, JOHN, Bristol, Painter Nov 2 at 1 Off Rec, Bank chmrs, Corn st, Bristol

FOWLER, WILLIAM, Southend, Essex, Fruiterer Oct 26 at 12 Off Rec, 95, Temple chmrs, Temple avenue

FUDGE, THOMAS, St George's, Glos, Boot Manufacturer Nov 3 at 12.30 Off Rec, Bank chmrs, Corn st, Bristol

GENT, ROBERT, Sowerby Carew, co Durham, late Merchant Tailor Oct 26 at 3 Off Rec, 8, Albert rd, Middlesbrough

GODCHER, DANIEL, Hulme, Manchester, Pork Purveyor Oct 26 at 3.15 Ogden's chmrs, Bridge st, Manchester

GOUGH, CLEMENT, Longton, Staffs, Fancy Dealer Oct 26 at 10.30 Off Rec, Newcastle under Lyme

GREGORY, ARTHUR, 51, Lyndhurst grove, Camberwell, House Decorator Oct 25 at 3.30 Bankruptcy bldgs, Carey st

GRIEVE, HUBERT LAWRENCE IGNATIUS GEORGE, Abbey rd, St John's Wood, late Photographic Artist Oct 26 at 12 Bankruptcy bldgs, Carey st

HALS, DANIEL, Bedworth, Warwickshire, Grocer Oct 25 at 12 Off Rec, 17, Hertford st, Coventry

HAWKESFORD, LOUIS STEPHEN, Aston, Warwickshire, Perambulator Manufacturer Oct 26 at 12.30 Colmore rd, Birmingham

HOLLINGWORTH, JAMES, Beckenham, Kent, Builder Oct 25 at 11.30 24, Railway approach, London Bridge

HOMES, RICHARD, Ledbury, Herefordshire, Solicitor Oct 26 at 11.30 Off Rec, 45, Copenhagen st, Worcester

HUGES, GEORGE WILSON, Gristhorpe, Yorks, Joiner Oct 26 at 3 Off Rec, 74, New Borough st, Scarborough

Oct. 22, 1892.

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HUNTER, RICHARD LEWIS, Devizes, Wilts, formerly Farmer Nov 2 at 12 Off Rec, Bank Chambers, Corn st, Bristol  
LAVENDER, JOHN, Bradford, Grocer Oct 23 at 11 Off Rec, 31, Manor Row, Bradford  
MURFET, ALFRED, Fordham, Cambs, Coal Merchant Oct 31 at 12 Off Rec, 5, Petty Cury, Cambs  
OGDEN, RALPH TURNER, Rochdale, Wool Merchant Oct 25 at 11.15 Townhall, Rochdale  
OGLEBURY, ISAAC, York, Coal Dealer Oct 23 at 11.30 Off Rec, York  
OXBOURGH, HENRY, Stockton on Tees, Clothier Oct 26 at 3 Off Rec, 8, Albert rd, Middlesbrough  
PEARSON, BENJAMIN, Cardiff, Licensed Victualler Oct 25 at 12 Off Rec, 29, Queen st, Cardiff  
PUEYES, RUTH JANE, Scarborough, Dealer in Fancy Goods Oct 26 at 11 Off Rec, 74, Newborough st, Scarborough  
ROTHEROE, THOMAS, Almondbury, Huddersfield, Nurseryman Oct 25 at 3 Off Rec, 6, Queen st, Huddersfield  
SMITH, JAMES, Helmsley, Yorks, Licensed Victualler Oct 31 at 11.30 Court house, Northallerton  
SPURWAY, JOHN, Shute, Devon, Bootmaker Oct 27 at 10 Off Rec, 13, Bedford cir, Exeter  
STAFFORD, WILLIAM, Birmingham, Iron Merchant Oct 26 at 12 Colmore Row, Birmingham  
STARE, OLIVE, Tunbridge Wells, Widow Oct 25 at 12.30 24, Railway App, London Bridge  
STEWARD, HARRIET, Cheriton, Kent, late General Shop Keeper Oct 28 at 10 Off Rec, 73, Castle st, Canterbury  
SUTTON, ALFRED, Cardiff, Baker Nov 1 at 10.30 Off Rec, 29, Queen st, Cardiff  
SYKES, EDWARD WILLIAM, Bradford, Spindle Maker Oct 31 at 11 Off Rec, 31, Manor Row, Bradford  
TATTERSALL, RICHARD, Ainsdale, nr Southport, Market Gardener Oct 26 at 1 Off Rec, 33, Victoria st, Liverpool  
WILLIAMS, LEWIS, Ironbridge, Salop, Tailor Oct 25 at 11 Off Rec, Talbot Chambers, Shrewsbury

## ADJUDICATIONS.

ALLEN, CHARLES, Mildenhall, Suffolk, Florist Bury St Edmunds Pet Oct 15 Ord Oct 15  
BALE, HERBERT WILLIAM, Bradford on Avon, Boot Maker Bath Pet Oct 15 Ord Oct 15  
BOO, CHARLES HENRY CAREY, Kettering, Marquee Contractor Northampton Pet Oct 12 Ord Oct 12  
BRANDT, JULES, Warwick rd, Kensington, Tutor High Court Pet Oct 15 Ord Oct 15  
CLEMENTS, WILLIAM CHARLES, Rickmansworth, Herts, Grocer St Albans Pet Oct 7 Ord Oct 12  
COHEN, HENRY, Manchester, Tailor Manchester Pet Oct 15 Ord Oct 15  
CONNOLY, EDWARD, and THOMAS McMAHON, Liverpool, Provision Dealer Liverpool Pet Sept 6 Ord Oct 13  
COX, THOMAS, Albany st, Egmont's Park, High Court Pet Sept 14 Ord Oct 15  
CROUSE, THOMAS NEVILLE, Bedford Row, Solicitor High Court Pet Oct 16 Ord Oct 15  
CURTIS, HENRY, Kinross, Dorset, Commission Agent Poole Pet Oct 1 Ord Oct 11  
DAY, THOMAS, Egerton, Kent, Farmer Canterbury Pet Oct 13 Ord Oct 14  
DAVIES, SARAH, Tonquay, Milliner Exeter Pet Oct 14 Ord Oct 14  
DENTON, JAMES WILLIAM, and JAMES EDWIN DARBY, Leeds, Wholesale Clothiers Leeds Pet Oct 12 Ord Oct 12  
FOX, JO, Bristol, Painter Bristol Pet Oct 14 Ord Oct 14  
GURR, CHARLES RICHARD, Maygrove rd, West Hampstead, Builder High Court Pet Sept 23 Ord Oct 13  
HALES, DANIEL, Bedworth, Warwickshire, Grocer Coventry Pet Oct 12 Ord Oct 14  
HAVARD, WILLIAM JAMES, and HENRY ALBAN HAVARD, Maesteg, Glam, Brassfounders Cardiff Pet Oct 13 Ord Oct 13  
HILL, HENRY MARK, Heath Town, nr Wolverhampton, Brick Manufacturer Wolverhampton Pet Oct 4 Ord Oct 14  
HILL, JOHN, Middlesbrough, retired Builder Middlesbrough Pet Oct 12 Ord Oct 12  
HUTTON, ROBERT, Wall on Tyne, Clerk in Holy Orders Newcastle on Tyne Pet Oct 15 Ord Oct 13  
JONES, WILLIAM JAMES, Aston Juxta Birmingham, Haulier Birmingham Pet Oct 14 Ord Oct 14  
KENNEDY, GEORGE, New Cle, Gt Grimbsy, Fisherman Gt Grimbsy Pet Oct 12 Ord Oct 12  
LAVENDER, JOHN, Bradford, Grocer Bradford Pet Oct 12 Ord Oct 13  
MITCHELL, SAMUEL THOMAS, Bridgend, Glam, Confectioner Cardiff Pet Oct 13 Ord Oct 13  
MURFET, ALFRED, Fordham, Cambs, Coal Merchant Cambridge Pet Oct 14 Ord Oct 14  
PLATINER, HENRY, Worksop, Notts, Fishmonger Sheffield Pet Oct 12 Ord Oct 13  
ROTHEROE, JOHN, Wellingborough, late Butcher Northampton Pet Oct 12 Ord Oct 12

ROW, MARGARET, and THOMAS BENNISON ROW, Lancaster, Farmers Preston Pet Oct 15 Ord Oct 15  
ROWLEY, RICHARD, Liverpool, Teamowner Liverpool Pet Sept 29 Ord Oct 15  
SCOTT, THOMAS, South Shields, Baker Newcastle on Tyne Pet Sept 14 Ord Oct 12  
SELKIRK, RICHARD, Kingston upon Hull, Commercial Traveller Kingston upon Hull Pet Oct 14 Ord Oct 14  
SHORT, RICHARD, Cardiff, Shipowner Cardiff Pet Oct 4 Ord Oct 14  
SINCLAIR, CHARLES FORGAN, Horsforth, nr Leeds, Surgeon Leeds Pet Oct 12 Ord Oct 12  
SMALLCOMBE, JOHN WILLIAM, Swansea, General Dealer Swansea Pet Oct 13 Ord Oct 13  
SMITH, BENJAMIN, Burnley, Cattle Drover Burnley Pet Oct 15 Ord Oct 13  
SMITH, FREDERICK, Greenwich, General Salesman Greenwich Pet Oct 10 Ord Oct 10  
SPURWAY, JOSEPH HATHOE, Carmarthen, Licensed Victualler Carmarthen Pet Oct 14 Ord Oct 14  
SPURWAY, JOHN, Shute, Devon, Bootmaker Exeter Pet Oct 13 Ord Oct 13  
STATTER, JANE CIRCLE, Elm Park rd, Fulham, Widow High Court Pet Sept 15 Ord Oct 15  
SYKES, EDWARD WILLIAM, Bradford, Spindle Maker Bradford Pet Oct 3 Ord Oct 12  
THOMAS, DAVID GRIFFITH, Ystalyfera, Glam, Grocer Neath Pet Oct 13 Ord Oct 13  
WALSH, CHARLES, Dover, Bootmaker Canterbury Pet Sept 26 Ord Oct 15  
WILLIAMS, EDWIN GEORGE, Roath, Cardiff, Commercial Traveller Cardiff Pet Oct 3 Ord Oct 13  
WILLIAMS, LEWIS, Ironbridge, Salop, Tailor Madeley Pet Oct 12 Ord Oct 13  
WILLIAMS, THOMAS, Blackmill, nr Bridgend, Glam, Quarryman Cardiff Pet Oct 13 Ord Oct 13  
WILLIAMS, WILLIAM WAINWRIGHT, Birmingham, late Builder Pet Sept 8 Ord Oct 15

## SALES OF ENSUING WEEK.

Oct. 24.—MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER, at the Mart, E.C., at 2.30 o'clock, Freehold Building Estate (see advertisement, this week, p. 857).  
Oct. 24.—MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER, in a Marquee on the Ground, at 2.30 o'clock, Building Estate (see advertisement, Oct. 8, p. 822).  
Oct. 25.—MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER, at the Mart, E.C., at 2 o'clock, Freehold and Leasehold Properties (see advertisement, Oct. 8, p. 822).  
Oct. 25.—MESSRS. EDWIN FOX & BOUSFIELD, at the Mart, E.C., at 2 o'clock, Freehold Property (see advertisement, Oct. 12, p. 888).  
Oct. 26.—MESSRS. HERING, SON, & DAW, at the Mart, E.C., at 2 o'clock, Freehold Ground-rents (see advertisement, Oct. 16, p. 888).  
Oct. 27.—MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER, at the Mart, E.C., at 1 o'clock, Freehold Properties (see advertisement, Oct. 8, p. 822).  
Oct. 28.—MESSRS. NORTON, THREIB, & GILBERT, at the Mart, E.C., at 2 o'clock, Freehold Property (see advertisement, Oct. 8, p. 821).

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## SALES BY AUCTION FOR THE YEAR 1892.

MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER beg to announce that their SALES of LANDED ESTATES, Investments, Town, Suburban, and Country Houses, Business Premises, Building Land, Ground-Rents, Advowsons, Reversions, Stocks, Shares, and other Properties will be held at the AUCTION MART, Tokenhouse-yard, near the Bank of England, in the City of London, as follows:—

Tuesday, Nov. 1 | Tuesday, Nov. 15 | Tuesday, Dec. 6

Auctions can also be held on other days, in town or country, by arrangement. Messrs. Debenham, Tewson, Farmer, & Bridgewater undertake Sales and Valuations for Probate and other purposes, of Furniture, Pictures, Farming Stock, Timber, &c. Detailed Lists of Investments, Estates, Towns, Spousin, Quarters, Residences, Shops, and Business Premises to be Let or Sold by private contract are published on the 1st of each month, and can be obtained of Messrs. Debenham, Tewson, Farmer, & Bridgewater, Estate Agents, Surveyors, and Valuers, 80, Cheapside, London, E.C. Telephone No. 1,503.

## MIDDLESEX.

Monday next.—Pinner.—A portion of the very attractive Freehold Building Estate, known as Royston-park, High-road, Pinner, immediately adjoining the station on the L. and N.W.R. (main line), about 12 miles from town, with frequent trains to and from Euston and Broad-street, and also accessible by the Metropolitan Railway. MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER (in conjunction with Messrs. SEDGWICK, SON, & WEALL) will SELL BY AUCTION, on MONDAY NEXT, OCT. 24, in a MARQUEE on the ESTATE, at 2.30, in 27 Lots, the above valuable and delightfully-situated PROPERTY, comprising about eight acres, divided into 27 choice sites for detached residences, with depths of about 200 ft. and frontages of 60 ft. each to The Avenue, a fine 50 ft. road in course of construction, with sewer, water, and gas mains laid. There are several handsome detached and semi-detached residences now being built close to, and the great demand by Londoners for good-class houses near a station in the country will insure a profit to builders and others. Payment by instalments.

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(For remainder of Sales of Estates, see page 4.)

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(2) "If at any time it shall be proved to the satisfaction of the Directors that the Assured has become totally and permanently incapacitated, either by accident or bodily or mental disorder, from carrying on any profession or business, this Policy shall be free from the payment of all Premiums which otherwise would, subsequent to the date of the admission by the Directors of such incapacity, have become payable."

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VOL. XXXVI., No. 53.

## The Solicitors' Journal and Reporter.

LONDON, OCTOBER 29, 1892.

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## CURRENT TOPICS.

MR. JUSTICE KEKEWICH hopes to finish the hearing of adjourned summonses in time to enable him to commence the trial of witness actions on Tuesday, the 8th of November.

MR. ALFRED RAWLINSON has returned to his duties as chief clerk in Mr. Justice North's chambers after a prolonged absence from illness.

LORD HERSCHELL's first judicial appointment is a surprise. Mr. Justice DENMAN is to be succeeded by another Senior Classic in the person of Mr. W. R. KENNEDY, Q.C., who thus cuts out all the selections of all the prophets. No objection can be made to the choice, except that, as in the case of Lord HALSBURY's last appointment, the determining motive is probably more political than professional. Mr. KENNEDY, in his younger days, had a very successful career. He was a King's Scholar and Newcastle Scholar at Eton, a Scholar of King's College, Cambridge, University Scholar, Senior Classic, and immediately afterwards Fellow of Pembroke College. He was also president of the Cambridge Union Society. After a short apprenticeship to the inside of politics as private secretary to Mr. GOSCHEN, he took up the active exercise of his profession as a "local" barrister at Liverpool. Here he promptly made his mark in a very varied and substantial practice, which justified a transfer to London, and an early and successful application for silk. Then he took his place mainly in the Admiralty Court, where, as far as the scarcity of work would allow, he took a prominent position. He is a good scholar, a sound lawyer, an effective advocate, a voluble talker, a keen politician, and a pleasant, if somewhat restless, companion: not pre-eminent in any one line, except in the possession of the mysterious faculty of success which enables some men always to be at their best, and carries them steadily to a rather higher level than their qualities, if analyzed, appear altogether to warrant. In the classical tripos at Cambridge he succeeded in placing himself first over a man then reputed to be a better scholar, and who has certainly proved himself since to be a more profound lawyer—the present Sir FREDERICK POLLACK. It has been so with him in all the walks of life, except politics; for, in spite of three vigorous contests, he has been uniformly unsuccessful in his attempts to enter St. Stephen's. This is the more curious, as, in the old Cambridge days, he was always considered to be specially marked out for a political career. For this one failure, however, he has now an ample *solatium* in his promotion to the bench, an appointment which is an encouragement, not only to Senior Classics, but also to those unduly depreciated "locals" whom a recent novelist has declared to be distinguished from their metropolitan brethren of the bar by the habit of wearing white bands over spotted blue neckties. As a scholar, and the representative of a family of scholars, he is a worthy successor to Mr. Justice DENMAN: he cannot hope to compete with that judge in dignity of person and manner, but in other matters which are not less important he need not, perhaps, fear the effort to surpass him.

IN HIS ADMIRABLE and touching address on Monday the retiring judge took occasion to express the results of his twenty years' experience of solicitors' clerks in judges' chambers; and, in view of proposals believed to have been mooted by members (or shall we say a member) of the bench, to whom apparently change is synonymous with improvement, it may be well to call special attention to his observations. "I should like," he said, "to give my hearty thanks to those clerks who come before the judges at chambers and address us on cases before us, often with much acumen and good sense, and who really render efficient assistance in the discharge of business. I do not hesitate to say that by their assistance the work is done in such a way that the public have no idea how much they owe to this class of the members of the profession." It is possible that not only the public, but more distinguished personages, may insufficiently appreciate the extent to which the efficient discharge of business in chambers is due to the solicitors' clerks, and we trust that Mr. DENMAN's tribute to their merits will not merely put an end to any revival of the proposals above referred to, but also secure the manifestation of a little more courtesy than is sometimes shewn to them. Many years ago an eminent counsel (now deceased) in very large practice at the chancery bar was asked by a favoured pupil, whom he was wont to ask to remain in his room during conferences and interviews, why he was so "short" with solicitors and heads of firms and so patient with their clerks? "My dear fellow," he said, "I don't know any class of servants who work for their employers more zealously and conscientiously according to their lights."

THE JUDICIAL PARADE at the opening of the sittings was rendered memorable by two events. In the first place, the gathering of spectators was unusually large, like the attendance at the Lord Chancellor's reception—good evidence of the popularity of the new head of the law; and, although upon these occasions the spectators seldom give way to their feelings by applause—either from the notion that judges are too exalted to care for such trifling matters as public or professional opinion, or possibly because the greater part of the spectators are of the kid-gloved order—there was considerably more hand clapping than is usually indulged in. Nevertheless the Lord Chancellor had passed nearly half way down the hall before the first burst of applause was heard, but for the next few moments, until the last of the judges had disappeared through the north door, it was so frequent as to be well nigh continuous. The other, and more sensational, event was the appearance in the judicial procession of a Mysterious Stranger. Robed and bewigged as a judge, there walked up the hall a figure, lacking indeed the pistols and dagger characteristic of the bloodthirsty pirate at the Surrey Theatre, but as regards hirsute adornments of countenance very well made up for that character. Could this be the new judge? Where had he practised? Possibly in the colonies—no doubt in the remote bush of Australia, where you have to ride 100 miles to a barber. And yet the Mysterious Stranger shewed none of the nervousness natural on a first appearance; he conducted himself, indeed, as though the procession were a familiar event to him. A bush life, it was thought, has, at all events, the advantage of strengthening a man's nerves. Painstaking investigation, however, ultimately resulted in the discovery, above the moustaches and beard, of a portion of the features of a highly-esteemed judge, who, it appeared, had devoted the opportunity for seclusion afforded by the long vacation to cultivating the disguise which so effectually concealed him from his admirers.

THE "TIMES" is in rather too much of a hurry in asking what has become of the report of the Council of Judges. We announced, on good authority, shortly before the Long Vacation, that there was no likelihood of any rules being issued for carrying out the recommendations of the report before, at the earliest, Easter next. The longer the changes proposed are deliberated upon the better, and we shall be surprised if, as the result of further consideration and of the discussion which has taken place, the rules are not in many respects different from the recommendations. But we heartily agree with our contemporary in urging

that, upon the question of the recent inroads on Order 14, immediate action should be taken by the Rule Committee. As we have repeatedly pointed out, and as the *Times* now says, "by a series of decisions undoubtedly good in law, but mischievous in many ways, the usual procedure for bringing quickly to book people who decline to pay their debts when not compelled to do so has been crippled. Two or three words inconsiderately put into a rule have given rise to the difficulty. Two or three words substituted for them would put it right. Why is not this done?" Our contemporary recalls Lord HALSBURY's reply to Lord ESHER, when he suggested a Royal Commission to consider the amendments required in legal procedure—"What good suggestions have the Rule Committee failed to entertain? When have they ever been remiss in supplying what was really required?" Well, here is certainly one instance of remissness. On looking back, we find that our first article on the subject of the disturbance of Order 14 appeared on the 5th of December last year, when we said that the matter called for the prompt attention of the Rule Committee, and that we could not afford in these days to drive litigants away from the courts by throwing in their way purely technical impediments to the attainment of their rights. We know that the attention of the authorities was subsequently called to the matter, but hitherto nothing has been done. The truth probably is that the judges have been too busy with their large and sensational projects to attend to matters like this, which, although they concern most deeply the interests of litigants, do not give food for leading articles and communications to the papers by "A Member of the Bench."

ON ANOTHER matter also, the *Times* very properly urges prompt measures. The witness actions in the Chancery Division have now mounted up 537, whereas at the commencement of the Michaelmas Sittings, 1891, they were 467. The Council of Judges have reported that business in the Chancery Division "is blocked, particularly in the trial in witness actions, and the amount of business is very heavy: nor has the continuous trial of witness actions without adjournments been yet satisfactorily secured in any of the chancery courts, except in the one specially assigned for the hearing only of causes. . . . The amount of business is therefore enormous, and the council are of opinion that the permanent aid of an additional judge in that division is essential. Without such aid the business of the Chancery Division cannot be brought under control." This recommendation has not, so far as we know, been disputed by anyone outside the Treasury, but no attempt has yet been announced, either to deal temporarily with the accumulation of arrears, or to devise a plan, which we think could be done, whereby a judge might be assigned to the Chancery Division until an Act of Parliament could be obtained. We should like to know whether the rumour is correct that a department in the Royal Courts of Justice, which has comparatively recently been instituted or reorganized—that of scrivenery—shows a surplus of profit of somewhere about £10,000, very much more than sufficient to pay the salary of an additional judge. If so, there can surely be no possible objection to the appointment left open to the Treasury.

A QUEEN'S BENCH Divisional Court in *Rodger v. Harrison and Others* (reported elsewhere) has given a very wide interpretation to one of the sections of the Yorkshire Registrars Act, 1881. By section 14 of that Act it is provided that "all assurances entitled to be registered under this Act shall have priority according to the date of registration thereof"; and by section 3, "the expression 'assurance' shall include any conveyance, enlargement of term into fee simple, memorandum of charge," &c. And by the same section "the expression 'memorandum of charge' shall include any memorandum of a lien or charge on any land which may be registered under the provisions of this Act"; the reference here being plainly to the memorandum of lien or charge provided for by section 7. In the recent case the facts were, that, by agreement in writing, the owner of the equity of redemption of a piece of land agreed with the plaintiff to complete certain buildings on the land, and the plaintiff agreed to purchase the buildings when completed. This agree-

ment the court held to be an "assurance" within section 14, on the ground (as MATHEW, J., put it) that it created a charge upon the property, and was therefore a memorandum of charge. With deference, we venture to think that the term "memorandum of charge," apart from section 7, has a well-understood meaning which does not include a purchase contract, as we understand the agreement in question in the case to have been. It contained a personal agreement by the vendor to complete houses, and a contract by the plaintiff to purchase such houses when completed. Presumably "charge" in the words "memorandum of charge" means the same thing as "charge" in the definition of mortgage in the same section—namely, "any charge on any land for securing money or money's worth." It would seem that MATHEW, J., was not altogether certain that his ground of decision was correct, for he added a further one. There is no doubt, he says, "that the agreement was an incumbrance on the land, and it appears from the preamble that incumbrances are to be registered under the Act." Now the preamble does not directly say so. It says that "in pursuance of the Acts mentioned in the first schedule to this Act register offices have been established for the registration of deeds, conveyances, wills, incumbrances, and other matters affecting lands, &c., within the three Ridings of the county of York," &c., and that "it is expedient to consolidate and amend the said Acts." Whatever may be thought of the correctness of the decision, it appears to us that, if it stands, all purchase contracts relating to land in Yorkshire will have to be registered. This might or might not be a desirable enactment, but we think it is clear that it was not intended by the Yorkshire Registrars Act. A special definition of "agreement" was proposed by the Yorkshire law societies and laid before the Select Committee and the Lord Chancellor, but, notwithstanding this, "agreements" were excluded from the Bill. (See Barker on the Yorkshire Registrars Act, 1884, p. 93.)

THE DECISION OF KEKEWICH, J., in *Re Barney* (40 W. R. 637) followed the established rule that, where no fraud is involved, a person who intermeddles with trust property cannot be made liable as a trustee, in other words, will not be deemed to be a trustee *de son tort*, except in respect of property which he has actually received with notice of the trusts affecting it. Those who create trusts, it has been said (*Barnes v. Addy*, 22 W. R. 505, L. R. 9 Ch., at p. 251), clothe the trustee with a legal power and control over the trust property, imposing on him a corresponding liability, and this liability may be extended in equity to others who are not properly trustees, if they are found making themselves trustees *de son tort*. Thus a person who takes upon himself to act as trustee and to sell a trust estate, and who receives the purchase-money, is liable if he pays it to the wrong person: *Rackham v. Siddall* (1 Mac. & G. 607). And so too a mere agent, although not intending to act in the trusts, is liable if a fund which has got into his hands is not paid to the person entitled to give a receipt for it: *Lee v. Sankey* (21 W. R. 286, L. R. 15 Eq. 204). "A person," said BACON, V.C., in the latter case, "who receives into his hands trust moneys, and who deals with them in a manner inconsistent with the performance of trusts of which he is cognizant, is personally liable for the consequences which may ensue upon his so dealing." But it is always essential that the person whom it is sought to charge as a trustee should have actually received some part of the trust estate. In the case before KEKEWICH, J., the alleged trustees *de son tort* did not fulfil this condition, although they had clearly interfered in the trusts and had had, in a sense, control of the trust estate. A testator, who was in business, left his widow and family unprovided for, unless the business could be carried on for their benefit. The will contained no power to this effect, but the widow, who was executrix, undertook to do so, and to make up for her lack of business experience two friends of the family volunteered to overlook the accounts and the management of the business generally. As a check upon expenditure, it was arranged that all cheques drawn by the executrix upon the trust account should be initialled by the friends. The business ultimately failed, and the testator's effects, so far as they had been employed in it, were lost. For these it was sought to make the friends liable as trustees *de son tort*, but they clearly could not so

be described according to the principle above stated. They had a check upon the trust money, indeed, in the sense that the widow could not draw it out of the bank without their concurrence, but only in this limited sense had they any control over it. They had never received any of the money, and they had no such control as would have enabled them, either together or separately, to dispose of it for their own use. Hence KEKEWICH, J., declined to hold them liable.

IN HIS ADDRESS to his old constituents, the electors of the Elgin Burghs, Sir MOUNTSTUART GRANT-DUFF urges on public attention the codification of the law. This, he says, is a reform of vast importance which has been slipping out of view of late. The matter has certainly slipped out of view, but this is because it has been discovered that codification would be by no means an unmixed boon. Much depends, of course, upon the codifiers, but even if we had the best code which Government commissioners are likely to produce, the law would be very far from being the simple thing which the friends of codification imagine. A code must be moderate in size, and can only pretend to provide general rules. If it was introduced, the business of expounding these rules would at once begin, and unless precedents were deprived of all authority, the mass of case law would soon accumulate again. If, on the other hand—a very unlikely supposition—precedents were excluded, lawyers could rarely advise with any certainty, and litigation would in all probability be greatly increased. It is sometimes forgotten that our present system has already many of the advantages of a code without its defects. Every well-written text-book plays in its own sphere the part of a code, but while most of the rules it enunciates are practically settled, the law is not deprived of all elasticity. It is easy to point to the labour which solicitors and barristers undergo in the task of advising as a proof that the law is inordinately difficult. But the fact is that there is seldom any difficulty in producing a general and well-settled rule quite as near the case in hand as anything which would be found in a code; and lawyers would be only too glad to advise their clients by the light of such a rule, assisted by their own common sense. But when they go further than this, and search, as Sir MOUNTSTUART GRANT-DUFF says, "through heaven knows how many volumes," it is solely that they may give an opinion which not only satisfies their own judgment, but can also be relied upon to shew what view the court will take. The free use of authorities greatly increases the certainty with which lawyers can advise, and the best recommendation a law can have is that it enables those who consult it to avoid litigation.

A CORRESPONDENT tells us that the Somerset House authorities claim to charge a duty of 5s. on the counterpart of a lease where the original (being made in pursuance of a duly stamped agreement) is only chargeable with a duty of 6d. Section 72 of the Stamp Act, 1891, refers to "the counterpart of an instrument chargeable as a lease," and the schedule, under the head of "Duplicate or counterpart of any instrument chargeable with any duty," provides that where "such duty" does not amount to 5s., "the same duty as the original instrument" shall be payable. What, then, is the original instrument "chargeable with any duty" by which the duty on the counterpart is to be regulated? As to this, section 75, sub-section 2, provides that a lease made subsequently to, and in conformity with, an agreement for a lease of the description mentioned in sub-section (1), duly stamped, "is to be charged with the duty of 6d. only." The lease is therefore clearly an instrument "chargeable with duty," and "chargeable as a lease" with a duty which does not amount to 5s. We imagine the Somerset House authorities must rest their contention on the words in section 72 (1), providing that the agreement for a lease "is to be charged with the same duty as if it were an actual lease made for the term and consideration mentioned in the agreement." But the answer to this appears to be obvious. It is only *actual* duplicates or counterparts of instruments which are charged by the schedule, and how can it be said that the counterpart referred to by our correspondent is a duplicate or counterpart of the *agreement for a lease*?

## THE LAMBETH POISONING CASE.

THE Lambeth poisoning case is replete with points of legal interest. The *direct* evidence against the prisoner was far from being satisfactory, much less conclusive. He was charged with having poisoned MATILDA CLOVER with strychnine, but there was no proof of administration, and the evidence of identity was singularly defective. Only one witness was called to prove that NEILL was in CLOVER's company on the night (October 20th, 1891) preceding her fatal illness. This was the servant girl LUCY ROSE, and she, while describing a broad-shouldered man, with heavy moustache and spectacles, was unable to identify this person with the prisoner. Again, the evidence of the girls MASTERS and MAY, who spoke to seeing NEILL with CLOVER some days before the 20th, although positive, was not convincing. They had merely a glimpse of him at the best as he passed under their windows, and MASTERS had failed to recognize him with his hat on at Bow-street Police Court. If the case had rested here, no jury would have dared to convict the prisoner. So far as the direct evidence relating to the death of MATILDA CLOVER was concerned, the prosecution was placed in a position not dissimilar from that in which the Public Prosecutor was placed on the trial of MADELINE SMITH in 1857 for alleged poisoning of her lover L'ANGELIER by arsenic. Miss SMITH had the strongest motive for getting rid of L'ANGELIER (she had hopelessly compromised herself to him; he had proof in her own handwriting of the fact, and she had been unable to induce him to surrender it); she was in possession of arsenic; she had summoned L'ANGELIER from Bridge of Allan to Glasgow to see her; he had come with that purpose back to town, had been seen going in the direction of her house, and had, a few hours later, returned to his lodgings in Glasgow, and died with all the symptoms of arsenical poisoning; but there was no evidence to shew that he had ever been at Miss SMITH's house on that fatal night. The prisoner was acquitted with the dubious Scotch verdict of "Not proven"; and there can be little doubt that on the direct evidence against him NEILL also was entitled to an acquittal.

But—and here is the point of difference between the two cases—the *circumstantial and indirect evidence* against the Lambeth poisoner was simply overwhelming. The girl CLOVER was poisoned with strychnine. This was manifest to every trained ear that heard her symptoms described in court, and was conclusively established by the analysis conducted by Dr. STEVENSON. The prisoner had large supplies of strychnine in his possession. He knew CLOVER; he had probably been in her company some days before her death, and had made a note of her name and address and of the date when she died in his memorandum book. Then, he was in the secret as to the true cause of CLOVER's death, and was using it as a lever to raise blackmail, at a time when no other living soul had suggested the idea of murder, much less of murder by strychnine. These facts alone would have warranted the jury in drawing an inference of guilt. But the case was even stronger. The evidence of the prisoner's attempt to administer pills to the girl LOUISE HARVEY, the sudden deaths of MARSI and SHREVELL—although in the two last cases the proof of identity was weak—and the fresh attempts to levy blackmail, which followed these events, formed a chain of circumstantial evidence against the prisoner which the ingenuity of his counsel was utterly unable to break.

The Lambeth poisoning case throws an instructive light on the medico-legal position of strychnine. The first victim of this cruel and deadly drug in this country was Miss ABERCROMBY, whose death in 1830 gave rise to the famous insurance action of *Wainwright v. Bland* (1 M. & W. 32), and whose murderer, unhappily, escaped well-merited punishment. Between 1830 and 1855 cases of strychnine poisoning were exceedingly rare.\* In November, 1855, however, PALMER poisoned JOHN PARSONS COOK with strychnine pills. The trial of the Rugeley poisoner was followed in comparatively rapid succession by the well-known cases of DOVE, VAMPLEW, SILAS BARLOW, DAY, BARRY, and HOLMES; and the following points were clearly established: strychnine is capable of being detected by chemical analysis;

the symptoms which it produces vary in intensity and in character according to the amount of the dose, the medium in which it is administered, the presence of active vomiting in the patient, and the administration or non-administration of any sedative drug; but cannot be confounded by the expert eye with those of any known disease. In NEILL's case *none of these scientific facts were seriously disputed*; and it is to be hoped that, with this fresh demonstration of the perfect certainty that the strychnine poisoner will be detected, the felonious use of this cruel and deadly drug will receive a final check.

## A READING OF THE NEW STATUTES.

The Clergy Discipline Act, 1892 (55 & 56 Vict. c. 32).

The Church Discipline Act, 1840 (3 & 4 Vict. c. 86), applies to all ecclesiastical offences, whether in point of doctrine, ritual, or morality. The Public Worship Regulation Act, 1874 (37 & 38 Vict. c. 85), applies to offences in point of ritual only. The present Act applies to offences in point of morality only (using that term in the widest sense), and offences in point of doctrine or ritual are expressly excluded. The Act is rather a long one, as it has been deemed expedient to incorporate expressly, and not by way of reference only, no less than six sections of the Church Discipline Act, 1840, which by section 10 of the present Act "shall apply as if they were herein re-enacted and in terms made applicable to proceedings under this Act, and with the substitution of the chancellor for the assessor of the bishop."

The Act may be considered under two main heads, according as it is concerned with (1) the deprivation of a clergyman found guilty of certain specified ecclesiastical offences by a temporal court, and (2) the prosecution of a clergyman for any immoral act in the consistory court.

The offences specified under the first head are (1) treason, or felony, or misdemeanour followed on conviction by a sentence to imprisonment or any greater punishment; (2) the having been made subject to a bastardy order; (3) adultery; or (4) having been made subject to an order for judicial separation either by the Divorce Court or by justices of the peace under the Matrimonial Causes Act, 1878. In any of the above cases "after the date at which the conviction, order, or finding becomes conclusive," the preferment held by the clergyman is to be declared by the bishop within twenty-one days to be vacant, it being enacted by section 5 that the temporal court is to send a certificate of the conviction, order, or finding to the bishop of the diocese in which the court sits. Except as regards sexual offences, these provisions do not go very far beyond 33 & 34 Vict. c. 23, under which conviction of felony followed by sentence to penal servitude or imprisonment with hard labour or for more than twelve months entails forfeiture of an ecclesiastical benefice.

A greater alteration of the law appears to be effected under the second head to which we have referred. By section 2—

"If a clergyman . . . is alleged to have been guilty of any immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not being a question of doctrine or ritual, he may be prosecuted by any of the parishioners of the parish in which such clergyman holds preferment . . . and tried in the consistory court of the diocese in which he holds preferment."

It is provided that the bishop may disallow a charge as frivolous, that the prosecutor may be ordered to give security for costs, that any question of fact must be submitted to five assessors if either party to the case so requires, and that "the decision of such question must either be the unanimous decision of the assessors or that of the chancellor, and at least a majority of the assessors." But there is a great alteration of the law. Under the Church Discipline Act as expounded by *Julius v. Bishop of Oxford* (28 W. R. 726), a ritual case, the bishop had an absolute discretion to prevent a prosecution from being instituted. Under the present Act he cannot prevent it. The most he can do is to disallow it "if the complaint appears to be too vague or frivolous to justify proceedings," in which case he is bound to disallow the prosecution. On the other hand, the bishop appears still to have an absolute and uncontrolled discretion to determine whether a complaint is "too vague or frivolous" or not. The word "appears" seems to be susceptible of no other construction.

The terms "immoral act," &c., have a technical meaning in the Act. By section 12 they include such acts as are proscribed by canons 75 and 109, which canons proscribe resorting to alehouses, and even lodging in them, as well as playing at dice, cards, or any other unlawful games, and also drunkenness, swearing, ribaldry, usury, and other uncleanness and wickedness of life.

By section 4 either party may appeal on a matter of law, and the defendant may appeal on a matter of fact either to the provincial court or the Queen in Council at his option. The Act (see section 14) came into operation at the end of three months next after it passed, that is, on the 27th of September. It is by the same section retro-

\* The only case of which the writer is aware is that of *Reg. v. Wren*, 1851.

spective, applying to offences "committed before or after the passing or commencement thereof." But by section 5 it is also mercifully provided that

"A complaint under this Act for an offence shall not be made after five years from the date of the offence, or of the last of a series of acts alleged as part of the offence, except that complaint may be made within two years after a conviction by a temporal court becomes conclusive."

**The Colonial Stock Act, 1892 (55 & 56 Vict. c. 35).**

The Colonial Stock Act, 1877 (40 & 41 Vict. c. 59), applies where provision has been made by the Legislature of a colony for the inscription and transfer of stock forming the whole or part of its public debt in a register kept in the United Kingdom by some bank or person (such bank or person being called the registrar), and where the Government of the colony has left with the Commissioners of Inland Revenue a declaration stating such provision and identifying the stock with respect to which it has been made. Where this is the case section 4 provides that a transfer shall be made only in the register, and shall be signed by the transferor, or, if he is absent, by his attorney authorized by deed; and the transferee may, if he thinks fit, underwrite his acceptance of the transfer. By section 16 the registrar may, before the inscription of any stock, make reasonable regulations with respect to the transfer, not inconsistent with the provisions of the Act. The present Act departs from the policy of restricting transfers to entry in the register, and authorizes the registrar, with reference to stock, issued after the passing of the Act, to which the Act of 1877 applies, to make regulations under section 16 of the latter Act for transfer by deed according to the form in the schedule. Such deed, when duly executed by all parties, is to be delivered to the registrar and kept by him, and a memorial of it entered in the register. Where stock is transferable by deed, the registrar is, upon demand, to deliver to the holder a certificate of proprietorship, and this will be *prima facie* evidence of his title to the stock therein specified. But the want of the certificate is not to prevent the holder from disposing thereof.

**The Forged Transfers Act, 1892 (55 & 56 Vict. c. 36).**

This Act has already been noticed *ante*, p. 677.

**The National Debt (Stockholders' Relief) Act, 1892 (55 & 56 Vict. c. 39).**

This Act has already been noticed *ante*, p. 750.

**The Military Lands Act, 1892 (55 & 56 Vict. c. 43).**

This Act consolidates and amends the greater part of the law relating to the acquisition of land for military purposes, and in particular it replaces the Ranges Act of last year (54 & 55 Vict. c. 54). Excluding the Defence Act, 1842 (5 & 6 Vict. c. 94), and the Acts amending it, which are but slightly affected, the law has been hitherto contained in the Volunteer Act, 1863 (26 & 27 Vict. c. 65), ss. 31 to 40, which enabled volunteer corps to acquire by agreement land for ranges; in section 17 of the Regulation of the Forces Act, 1871 (34 & 35 Vict. c. 86), which extended the last-named Act to regiments of militia and yeomanry, and authorized the acquisition of land also for storing arms, making drill sheds, and other military purposes approved by a Secretary of State; in the Artillery and Rifle Ranges Act, 1885 (48 & 49 Vict. c. 36), which enabled a Secretary of State to make bye-laws as to the use of land held for ranges and like purposes, with a view to securing the safety of the public; in the Drill Grounds Act, 1886 (49 & 50 Vict. c. 5), which extended the above Acts of 1863 and 1885 to cases where land was required for the military drill, or any other military purpose of a volunteer corps or of any other portion of Her Majesty's military forces; in the Barracks Act, 1890 (53 & 54 Vict. c. 25), which enabled the Secretary of State for War to acquire lands compulsorily, subject to the sanction of Parliament, for building and enlarging barracks and camps, and for facilitating the training of troops, and for securing the health and efficiency of Her Majesty's military forces; and in the Ranges Act, 1891 (54 & 55 Vict. c. 54), which was meant primarily to extend the same power of compulsion for the acquisition of ranges to volunteer and yeomanry corps, but which, in fact, had a wider operation than its title would imply.

All these enactments, with certain slight exceptions, are now repealed, and their substance is reproduced in the three parts of the present Act, which provide respectively for the acquisition of land for military purposes, for the making of bye-laws, and for various supplemental matters. The "military purposes," which had thus been successively recognized, are now comprehensively defined (section 23) as including "rifle and artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State." For such purposes a Secretary of State

may purchase land in the United Kingdom for any portion of Her Majesty's military forces, and a volunteer corps or a yeomanry corps (section 19) may either, with the consent of the Secretary of State, themselves purchase land, or may request the council of a county or borough to purchase it for them. Section 1 (4) reproduces the provision of section 31 of the Volunteer Act, 1863, that the Secretary of State, before he gives his consent to the purchase of any land under the Act by a volunteer corps, shall send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly. Section 2 follows the Ranges Act, 1891, in incorporating the Lands Clauses Acts, with the exception of certain sections which are inappropriate, but the provisions of those Acts with respect to the purchase of land compulsorily are not to be put in force until a provisional order has been made and the sanction of Parliament obtained. Upon the disbandment of a volunteer corps (section 8) land held by it under the Act will vest in the Secretary of State, subject of course to the repayment of any money borrowed for the purchase of the land and not then repaid. A certificate of the Secretary of State that the land has vested in him will be conclusive evidence of the fact.

Part II., with respect to bye-laws, is in the main a re-enactment of the Artillery and Rifle Ranges Act, 1885, but section 18 appears to be new, and deserves notice. Where land has under the Act been taken on lease for military purposes, a bye-law made in respect of it is not to be inconsistent with any condition contained in the instrument of lease; and where it is a term of the lease that bye-laws relating to the land are to be made with the consent of the lessor, or shall be made by the lessor subject to the approval of the Secretary of State, the condition is to be observed, and the lessor, acting with the approval of the Secretary of State is to have the same power of making bye-laws as is by the Act conferred in the Secretary of State. It should be noticed that the term "land," as used in the Act, includes any easement in or over lands (section 23), and for the purpose of Part I. it includes any right of firing over lands or other right of user. Section 24 makes special provision for lands in the New Forest.

**The Private Street Works Act, 1892 (55 & 56 Vict. c. 57).**

This Act introduces important changes in the law with respect to the completion and adoption of private streets. The first provisions on this subject were contained in sections 150 to 152 of the Public Health Act, 1875 (38 & 39 Vict. c. 55). By section 150, where any private street within any urban district was not properly completed, that is, sewered, paved, &c., and provided with proper means of lighting, the urban authority might, by notice to the owners and occupiers, require the same to be done. In default they might execute the work themselves, and either recover the expenses in a summary manner, or declare them to be private improvement expenses. In the latter case they would be provided for by means of a private improvement rate under sections 213 to 215, and would become a charge on the premises under section 257. Section 151 exempted from liability ministers of places of religious worship, and the urban authority might if they thought fit themselves undertake the work. When the street had been completed, then under section 152 it might be declared a highway repairable by the inhabitants at large, unless a majority in number of the proprietors objected. Under the alternative procedure introduced by section 41 of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), it would appear that, where Part III. of that Act was adopted, the urban authority could only declare the street to be a highway repairable by the inhabitants at large when they had themselves executed the works necessary for its completion, and then only in the absence of objection by the majority in number or value of the owners. The present Act, on the other hand, contemplates that, where the Act is adopted, the urban (or rural) authority shall always themselves do the work—obviously much the more convenient plan—apportioning the cost among the different premises, and may declare the street to be a public highway without giving the owners any opportunity of objecting. The first thing to be done is to adopt the Act, and section 3 provides the necessary machinery. Practically it is the same as that provided with respect to the adoption of the Public Health Acts Amendment Act, 1890. Under section 4, moreover, the Local Government Board may extend the Act to rural districts. The operative part of the Act commences in section 6, which empowers the authority to resolve to do any of the works necessary for completing a street, and to apportion the expenses among the adjoining premises. Section 7 specifies the objections which may be made, and section 8 provides for the hearing and determination of them. As to the apportionment of expenses, this is to be made provisionally according to the frontage, but, in settling the apportionments, regard may also be had to the greater or less degree of benefit to be derived by any premises from the works, and to the amount and value of any work already done by the owners or occupiers (section 10). The expenses, when finally ascertained, are to be recovered in the same manner as private improvement expenses

## THE LAMBETH POISONING CASE.

THE Lambeth poisoning case is replete with points of legal interest. The *direct* evidence against the prisoner was far from being satisfactory, much less conclusive. He was charged with having poisoned MATILDA CLOVER with strichnia, but there was no proof of administration, and the evidence of identity was singularly defective. Only one witness was called to prove that NEILL was in CLOVER's company on the night (October 20th, 1891) preceding her fatal illness. This was the servant girl LUCY ROSE, and she, while describing a broad-shouldered man, with heavy moustache and spectacles, was unable to identify this person with the prisoner. Again, the evidence of the girls MASTERS and MAY, who spoke to seeing NEILL with CLOVER some days before the 20th, although positive, was not convincing. They had merely a glimpse of him at the best as he passed under their windows, and MASTERS had failed to recognize him with his hat on at Bow-street Police Court. If the case had rested here, no jury would have dared to convict the prisoner. So far as the direct evidence relating to the death of MATILDA CLOVER was concerned, the prosecution was placed in a position not dissimilar from that in which the Public Prosecutor was placed on the trial of MADELINE SMITH in 1857 for alleged poisoning of her lover L'ANGELIER by arsenic. Miss SMITH had the strongest motive for getting rid of L'ANGELIER (she had hopelessly compromised herself to him; he had proof in her own handwriting of the fact, and she had been unable to induce him to surrender it); she was in possession of arsenic; she had summoned L'ANGELIER from Bridge of Allan to Glasgow to see her; he had come with that purpose back to town, had been seen going in the direction of her house, and had, a few hours later, returned to his lodgings in Glasgow, and died with all the symptoms of arsenical poisoning; but there was no evidence to shew that he had ever been at Miss SMITH's house on that fatal night. The prisoner was acquitted with the dubious Scotch verdict of "Not proven"; and there can be little doubt that on the direct evidence against him NEILL also was entitled to an acquittal.

But—and here is the point of difference between the two cases—the *circumstantial and indirect evidence* against the Lambeth poisoner was simply overwhelming. The girl CLOVER was poisoned with strichnia. This was manifest to every trained ear that heard her symptoms described in court, and was conclusively established by the analysis conducted by DR. STEVENSON. The prisoner had large supplies of strichnia in his possession. He knew CLOVER; he had probably been in her company some days before her death, and had made a note of her name and address and of the date when she died in his memorandum book. Then, he was in the secret as to the true cause of CLOVER's death, and was using it as a lever to raise blackmail, at a time when no other living soul had suggested the idea of murder, much less of murder by strichnia. These facts alone would have warranted the jury in drawing an inference of guilt. But the case was even stronger. The evidence of the prisoner's attempt to administer pills to the girl LOUISA HARVEY, the sudden deaths of MARSH and SIRIVELL—although in the two last cases the proof of identity was weak—and the fresh attempts to levy blackmail, which followed these events, formed a chain of circumstantial evidence against the prisoner which the ingenuity of his counsel was utterly unable to break.

The Lambeth poisoning case throws an instructive light on the medico-legal position of strichnia. The first victim of this cruel and deadly drug in this country was Miss ABERCROMBY, whose death in 1830 gave rise to the famous insurance action of *Wainwright v. Bland* (1 M. & W. 32), and whose murderer, unhappily, escaped well-merited punishment. Between 1830 and 1855 cases of strichnia poisoning were exceedingly rare.\* In November, 1855, however, PALMER poisoned JOHN PARSONS COON with strichnia pills. The trial of the Rugeley poisoner was followed in comparatively rapid succession by the well-known cases of DOVE, VAMPLEW, SILAS BARLOW, DAY, BARRY, and HOLMES; and the following points were clearly established: strichnia is capable of being detected by chemical analysis;

the symptoms which it produces vary in intensity and in character according to the amount of the dose, the medium in which it is administered, the presence of active vomiting in the patient, and the administration or non-administration of any sedative drug; but cannot be confounded by the expert eye with those of any known disease. In NEILL's case *none of these scientific facts were seriously disputed*; and it is to be hoped that, with this fresh demonstration of the perfect certainty that the strichnia poisoner will be detected, the felonious use of this cruel and deadly drug will receive a final check.

## A READING OF THE NEW STATUTES.

The Clergy Discipline Act, 1892 (55 & 56 Vict. c. 32).

The Church Discipline Act, 1840 (3 & 4 Vict. c. 86), applies to all ecclesiastical offences, whether in point of doctrine, ritual, or morality. The Public Worship Regulation Act, 1874 (37 & 38 Vict. c. 85), applies to offences in point of ritual only. The present Act applies to offences in point of morality only (using that term in the widest sense), and offences in point of doctrine or ritual are expressly excluded. The Act is rather a long one, as it has been deemed expedient to incorporate expressly, and not by way of reference only, no less than six sections of the Church Discipline Act, 1840, which by section 10 of the present Act "shall apply as if they were herein re-enacted and in terms made applicable to proceedings under this Act, and with the substitution of the chancellor for the assessor of the bishop."

The Act may be considered under two main heads, according as it is concerned with (1) the deprivation of a clergyman found guilty of certain specified ecclesiastical offences by a temporal court, and (2) the prosecution of a clergyman for any immoral act in the consistory court.

The offences specified under the first head are (1) treason, or felony, or misdemeanour followed on conviction by a sentence to imprisonment or any greater punishment; (2) the having been made subject to a bastardy order; (3) adultery; or (4) having been made subject to an order for judicial separation either by the Divorce Court or by justices of the peace under the Matrimonial Causes Act, 1878. In any of the above cases "after the date at which the conviction, order, or finding becomes conclusive," the preferment held by the clergyman is to be declared by the bishop within twenty-one days to be vacant, it being enacted by section 5 that the temporal court is to send a certificate of the conviction, order, or finding to the bishop of the diocese in which the court sits. Except as regards sexual offences, these provisions do not go very far beyond 33 & 34 Vict. c. 23, under which conviction of felony followed by sentence to penal servitude or imprisonment with hard labour or for more than twelve months entails forfeiture of an ecclesiastical benefice.

A greater alteration of the law appears to be effected under the second head to which we have referred. By section 2—

"If a clergyman is alleged to have been guilty of any immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not being a question of doctrine or ritual, he may be prosecuted by any of the parishioners of the parish in which such clergyman holds preferment . . . and tried in the consistory court of the diocese in which he holds preferment."

It is provided that the bishop may disallow a charge as frivolous, that the prosecutor may be ordered to give security for costs, that any question of fact must be submitted to five assessors if either party to the case so requires, and that "the decision of such question must either be the unanimous decision of the assessors or that of the chancellor, and at least a majority of the assessors." But there is a great alteration of the law. Under the Church Discipline Act as expounded by *Julius v. Bishop of Oxford* (28 W. R. 726), a ritual case, the bishop had an absolute discretion to prevent a prosecution from being instituted. Under the present Act he cannot prevent it. The most he can do is to disallow it "if the complaint appears to be too vague or frivolous to justify proceedings," in which case he is bound to disallow the prosecution. On the other hand, the bishop appears still to have an absolute and uncontrolled discretion to determine whether a complaint is "too vague or frivolous" or not. The word "appears" seems to be susceptible of no other construction.

The terms "immoral act," &c., have a technical meaning in the Act. By section 12 they include such acts as are proscribed by canons 75 and 109, which canons proscribe resorting to alehouses, and even lodging in them, as well as playing at dice, cards, or any other unlawful games, and also drunkenness, swearing, ribaldry, usury, and other uncleanness and wickedness of life.

By section 4 either party may appeal on a matter of law, and the defendant may appeal on a matter of fact either to the provincial court or the Queen in Council at his option. The Act (see section 14) came into operation at the end of three months next after it passed, that is, on the 27th of September. It is by the same section retro-

\* The only case of which the writer is aware is that of *Reg. v. Wren*, 1851.

spective, applying to offences "committed before or after the passing or commencement thereof." But by section 5 it is also mercifully provided that

"A complaint under this Act for an offence shall not be made after *five years* from the date of the offence, or of the last of a series of acts alleged as part of the offence, except that complaint may be made within *two years* after a conviction by a temporal court becomes conclusive."

**The Colonial Stock Act, 1892 (55 & 56 Vict. c. 35).**

The Colonial Stock Act, 1877 (40 & 41 Vict. c. 59), applies where provision has been made by the Legislature of a colony for the inscription and transfer of stock forming the whole or part of its public debt in a register kept in the United Kingdom by some bank or person (such bank or person being called the registrar), and where the Government of the colony has left with the Commissioners of Inland Revenue a declaration stating such provision and identifying the stock with respect to which it has been made. Where this is the case section 4 provides that a transfer shall be made only in the register, and shall be signed by the transferor, or, if he is absent, by his attorney authorized by deed; and the transferee may, if he thinks fit, underwrite his acceptance of the transfer. By section 16 the registrar may, before the inscription of any stock, make reasonable regulations with respect to the transfer, not inconsistent with the provisions of the Act. The present Act departs from the policy of restricting transfers to entry in the register, and authorizes the registrar, with reference to stock issued after the passing of the Act, to which the Act of 1877 applies, to make regulations under section 16 of the latter Act for transfer by deed according to the form in the schedule. Such deed, when duly executed by all parties, is to be delivered to the registrar and kept by him, and a memorial of it entered in the register. Where stock is transferable by deed, the registrar is, upon demand, to deliver to the holder a certificate of proprietorship, and this will be *prima facie* evidence of his title to the stock therein specified. But the want of the certificate is not to prevent the holder from disposing thereof.

**The Forged Transfers Act, 1892 (55 & 56 Vict. c. 36).**

This Act has already been noticed *ante*, p. 677.

**The National Debt (Stockholders' Relief) Act, 1892 (55 & 56 Vict. c. 39).**

This Act has already been noticed *ante*, p. 750.

**The Military Lands Act, 1892 (55 & 56 Vict. c. 43).**

This Act consolidates and amends the greater part of the law relating to the acquisition of land for military purposes, and in particular it replaces the Ranges Act of last year (54 & 55 Vict. c. 54). Excluding the Defence Act, 1842 (5 & 6 Vict. c. 94), and the Acts amending it, which are but slightly affected, the law has been hitherto contained in the Volunteer Act, 1863 (26 & 27 Vict. c. 65), ss. 31 to 40, which enabled volunteer corps to acquire by agreement land for ranges; in section 17 of the Regulation of the Forces Act, 1871 (34 & 35 Vict. c. 86), which extended the last-named Act to regiments of militia and yeomanry, and authorized the acquisition of land also for storing arms, making drill sheds, and other military purposes approved by a Secretary of State; in the Artillery and Rifle Ranges Act, 1885 (48 & 49 Vict. c. 36), which enabled a Secretary of State to make bye-laws as to the use of land held for ranges and like purposes, with a view to securing the safety of the public; in the Drill Grounds Act, 1886 (49 & 50 Vict. c. 5), which extended the above Acts of 1863 and 1885 to cases where land was required for the military drill, or any other military purpose of a volunteer corps or of any other portion of Her Majesty's military forces; in the Barracks Act, 1890 (53 & 54 Vict. c. 25), which enabled the Secretary of State for War to acquire lands compulsorily, subject to the sanction of Parliament, for building and enlarging barracks and camps, and for facilitating the training of troops, and for securing the health and efficiency of Her Majesty's military forces; and in the Ranges Act, 1891 (54 & 55 Vict. c. 54), which was meant primarily to extend the same power of compulsion for the acquisition of ranges to volunteer and yeomanry corps, but which, in fact, had a wider operation than its title would imply.

All these enactments, with certain slight exceptions, are now repealed, and their substance is reproduced in the three parts of the present Act, which provide respectively for the acquisition of land for military purposes, for the making of bye-laws, and for various supplemental matters. The "military purposes," which had thus been successively recognized, are now comprehensively defined (section 23) as including "rifle and artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State." For such purposes a Secretary of State

may purchase land in the United Kingdom for any portion of Her Majesty's military forces, and a volunteer corps or a yeomanry corps (section 19) may either, with the consent of the Secretary of State, themselves purchase land, or may request the council of a county or borough to purchase it for them. Section 1 (4) reproduces the provision of section 31 of the Volunteer Act, 1863, that the Secretary of State, before he gives his consent to the purchase of any land under the Act by a volunteer corps, shall send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly. Section 2 follows the Ranges Act, 1891, in incorporating the Lands Clauses Acts, with the exception of certain sections which are inappropriate, but the provisions of those Acts with respect to the purchase of land compulsorily are not to be put in force until a provisional order has been made and the sanction of Parliament obtained. Upon the disbandment of a volunteer corps (section 8) land held by it under the Act will vest in the Secretary of State, subject of course to the repayment of any money borrowed for the purchase of the land and not then repaid. A certificate of the Secretary of State that the land has vested in him will be conclusive evidence of the fact.

Part II., with respect to bye-laws, is in the main a re-enactment of the Artillery and Rifle Ranges Act, 1885, but section 18 appears to be new, and deserves notice. Where land has under the Act been taken on lease for military purposes, a bye-law made in respect of it is not to be inconsistent with any condition contained in the instrument of lease; and where it is a term of the lease that bye-laws relating to the land are to be made with the consent of the lessor, or shall be made by the lessor subject to the approval of the Secretary of State, the condition is to be observed, and the lessor, acting with the approval of the Secretary of State is to have the same power of making bye-laws as is by the Act conferred in the Secretary of State. It should be noticed that the term "land," as used in the Act, includes any easement in or over lands (section 23), and for the purpose of Part I. it includes any right of firing over lands or other right of user. Section 24 makes special provision for lands in the New Forest.

**The Private Street Works Act, 1892 (55 & 56 Vict. c. 57).**

This Act introduces important changes in the law with respect to the completion and adoption of private streets. The first provisions on this subject were contained in sections 150 to 152 of the Public Health Act, 1875 (38 & 39 Vict. c. 55). By section 150, where any private street within any urban district was not properly completed, that is, sewered, paved, &c., and provided with proper means of lighting, the urban authority might, by notice to the owners and occupiers, require the same to be done. In default they might execute the work themselves, and either recover the expenses in a summary manner, or declare them to be private improvement expenses. In the latter case they would be provided for by means of a private improvement rate under sections 213 to 215, and would become a charge on the premises under section 257. Section 151 exempted from liability ministers of places of religious worship, and the urban authority might if they thought fit themselves undertake the work. When the street had been completed, then under section 152 it might be declared a highway repairable by the inhabitants at large, unless a majority in number of the proprietors objected. Under the alternative procedure introduced by section 41 of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), it would appear that, where Part III. of that Act was adopted, the urban authority could only declare the street to be a highway repairable by the inhabitants at large when they had themselves executed the works necessary for its completion, and then only in the absence of objection by the majority in number or value of the owners. The present Act, on the other hand, contemplates that, where the Act is adopted, the urban (or rural) authority shall always themselves do the work—obviously much the more convenient plan—apportioning the cost among the different premises, and may declare the street to be a public highway without giving the owners any opportunity of objecting. The first thing to be done is to adopt the Act, and section 3 provides the necessary machinery. Practically it is the same as that provided with respect to the adoption of the Public Health Acts Amendment Act, 1890. Under section 4, moreover, the Local Government Board may extend the Act to rural districts. The operative part of the Act commences in section 6, which empowers the authority to resolve to do any of the works necessary for completing a street, and to apportion the expenses among the adjoining premises. Section 7 specifies the objections which may be made, and section 8 provides for the hearing and determination of them. As to the apportionment of expenses, this is to be made provisionally according to the frontage, but, in settling the apportionments, regard may also be had to the greater or less degree of benefit to be derived by any premises from the works, and to the amount and value of any work already done by the owners or occupiers (section 10). The expenses, when finally ascertained, are to be recovered in the same manner as private improvement expenses

Oct. 29, 1892.

are recoverable under the Public Health Act, 1875, and are, moreover, to be a charge on the premises to the same extent and effect as defined by section 257 of that Act. We have already (*ante*, p. 840) called attention to the objectionable nature of the provision in section 13 (2), that the urban authority is to keep a register of these charges. Section 16 follows section 151 of the Act of 1875 in exempting ministers of places of worship, the exemption being now extended also to trustees, and the corresponding expenses are to be borne by the urban authority. When the works in question have been executed, the urban authority may, under section 19, by notice to be fixed up in the street, declare the street to be a highway repairable by the inhabitants at large, and it will thereupon become so accordingly. Section 20 appears to provide that the same step may be taken when the street has been completed by some person other than the urban authority. Where the Act is adopted the provisions of the Public Health Acts of 1875 and 1890, referred to above, will cease to be applicable.

The Accumulations Act, 1892 (55 & 56 Vict. c. 58).  
This Act has already been noticed *ante*, p. 639.

## REVIEWS.

### THE LAW OF PERSONAL PROPERTY.

GOODEVE'S MODERN LAW OF PERSONAL PROPERTY. SECOND EDITION, RE-WRITTEN, WITH CONSIDERABLE ADDITIONS AND AN APPENDIX OF STATUTES AND FORMS. By HOWARD WARBURTON ELPHINSTONE, M.A., Reader of the Law of Real and Personal Property in the Inns of Court, and JAMES W. CLARK, M.A., Barrister-at-Law. Sweet & Maxwell (Limited).

This new edition of the late Mr. Goodeve's well-known work has the same excellencies as the recent edition of the Modern Law of Real Property by the same editors. The text is comprehensive, accurate, and clear, while the notes always guide the reader to the latest authorities, and frequently give him in addition, in concise and well digested form, more detailed information than is suitable for the body of an elementary work. In speaking of the work as elementary we by no means imply that it is suited for students only. The design of the editors, we are told, has been to expound in the body of the text the elementary principles of law for the instruction of students, but this has been done in such a manner that the practising lawyer may often consult the book with advantage before searching for the law in more detail elsewhere. To the first chapter, which discusses the leading divisions of rights of property, an interesting account has been added of the theory of possession, founded on the work of Sir F. Pollock and Mr. Justice Wright. Perhaps, however, the detail with which the matter is treated tends to obscure the fundamental distinction between possession in fact, possession in law, and the right to possess. The possession in fact spoken of by the editors seems to be associated with the intention of excluding others. But thereupon it becomes possession in law. It has definite legal consequences, and by the circumstance that it is protected as against all but a person having a right to possess, becomes more than a mere fact, and ranks as a right. Possession in law of this kind gives the right of possession, as opposed to the right to possess, which may or may not be outstanding in another person. At page 18 the editors have done good service by pointing out the true justification for the term "special property." Apparently this is used where the person to whom it is ascribed has merely the right to possess, but with this right is associated the right to use the thing in an indefinite number of ways, and hence "special property," like "general property," conforms to the test that property consists of a bundle of rights indefinite in number. In connection with the theory of possession is given an interesting account of the old forms of action, though perhaps the editors assume too readily that in ejectment a person ejected could recover on his mere possession as against a wrongdoer. *Davison v. Gent* (1 H. & N. 74), to which they refer, is to this effect, and probably it is right. But it is opposed to *Doe d. Crisp v. Barber* (2 T. R. 749), and to the judgment of Parke, B., in *Doe d. Carter v. Barnard* (13 Q. B. 945), and of course to the Irish case of *Nagle v. Shea* (8 Ir. R. C. L. 224), which followed that judgment. The difficulty arises from the construction of the rule that the plaintiff in ejectment recovers on the strength of his own title. This has been erroneously held to mean title to possess, in the strict sense, as against all the world; in fact, it only means title as against the defendant, the question being, which has the better claim to possession. As against a mere wrongdoer this is properly decided in favour of the possessor whom he has wronged. The editors have here led us away from personal property, but it is difficult to confine the discussion of possession to one class of property.

For the book as a whole we have nothing but praise. As examples of careful and exhaustive treatment we may refer to the chapters on

the sale of goods, on bills of sale, on *choses in action*, on negotiable instruments, on companies, and on statutes of limitation. The discussion of bills of sale gives with great clearness the outlines of a very involved subject, and the editors have left no matter of importance unexplained. As a mark of the care with which the most recent cases have been noted, we may refer to page 370, where the decision of the Court of Appeal in *Stamford Banking Co. v. Smith* (1892, 1 Q. B. 769), is quoted for the proposition, otherwise, however, clear enough, that an acknowledgment of a simple contract debt must be made to the creditor or his agent. At page 371 reference is made to the decision of Chitty, J., in *Re Hollingshead* (37 Ch. D. 651), that payment by a devisee for life of interest on a simple contract debt of the testator keeps it alive against the remaindermen, but we should have liked to have had the editor's opinion of it. Payment on a specialty debt need only act as an admission, and *Roddam v. Morley* (1 De G. & J. 1) is doubtless good law; but can a promise to pay made by one man properly be held to be a promise by another?

Of course the editors have made very free with the original text, but in this they have done good service to the book. It is improved and brought up to date, and will take higher rank than before as a leading text-book on personal property.

## BOOKS RECEIVED.

The Solicitors' Diary, Almanac, and Legal Directory for 1893. The Treatise upon the Stamp Acts, and the Law and Practice of Stamping Documents, is Revised by H. S. BOND, Esq., of the Solicitors' Department, Inland Revenue Office, Somerset House. The Treatises on Oaths, Solicitors' Charges, and Duties Payable on Succession, Revised by J. GODFREY HICKSON, Esq., Solicitor. Forty-ninth year of publication. Waterlow & Sons (Limited).

## CORRESPONDENCE.

### PRIVATE ARRANGEMENTS.

[To the Editor of the *Solicitors' Journal*.]

Sir,—Referring to the observations in last week's *SOLICITORS' JOURNAL* respecting the statistics furnished by the Board of Trade as to the number of insolvencies which have occurred in the country, and the inference or suggestion that the figures in question account for the whole of the insolvency of the country, and thereby shew a great diminution in such insolvency since the Bankruptcy Act, 1883, came into operation, we have had the curiosity to make out a list of the cases of insolvency in which we have been professionally concerned since the Deeds of Arrangement Act, 1887, came into force. We find the proportions thereof to be as follows:—

Bankruptcies	30 per cent.
Arrangements by deed registered	33 per cent.
Arrangements without any deed	37 per cent.

These figures, as will be seen, fully confirm the accuracy of your observations that the conclusions of the Board of Trade are altogether ill-founded.

SALE, SEDDON, & CO.  
29, Booth-street, Manchester, 24th October.

## STAMP ON COUNTERPART OF LEASE.

[To the Editor of the *Solicitors' Journal*.]

Sir,—I shall be glad to have the opinion of yourself (also of your readers) as to the right of the Somerset House authorities to charge five shillings on the counterpart of a lease where the original (being made in pursuance of a duly-stamped agreement) is only chargeable with a duty of sixpence.

The Stamp Act of 1891, s. 75, sub-section 2, provides that such a lease is to be "charged with" the sixpenny duty only. The schedule to the same Act, under the heading "Duplicates," provides that the duty on any counterpart of an instrument "chargeable" with any duty, where such duty does not amount to five shillings, shall be the same as the original instrument.

In the case of a counterpart lease, therefore, it would appear that sixpence only is due, and yet the aforesaid authorities insist that, unless there is a counterpart agreement for a lease bearing a five-shilling duty, the counterpart lease prepared in pursuance of such an agreement must be stamped with five shillings.

I cannot find any authority for this, nor do they refer me to any; and I shall be glad of your opinion on the matter.

London, E.C., Oct. 24.

PRACTITIONER.

It is announced that Mr. Justice Hawkins, Mr. Justice Cave, and Mr. Justice Vaughan Williams have been placed on the rota for the trial of election petitions, Mr. Baron Pollock and Mr. Justice Wills being appointed additional judges.

## CASES OF THE WEEK.

## Court of Appeal.

*Re CANADIAN DIRECT MEAT CO.*—No. 2, 26th October.

COMPANY—PROSPECTUS—MISREPRESENTATION—PROSPECTUS ISSUED BEFORE INCORPORATION OF COMPANY—SHARES EXPRESSLY APPLIED FOR ON THE TERMS OF SUCH PROSPECTUS—RESCSSION OF CONTRACT.

Appeal from the decision of Romer, J. The question raised by this appeal was similar to that already decided on the 30th of May, 1892, by the Court of Appeal in *Karberg's case*, *Re Metropolitan Coal Consumers' Association* (40 W. R. Dig. 41, 66 L. T. N. S. 700), reversing the decision of Kekewich, J. (*ante*, p. 272)—viz., whether a shareholder was entitled, before the winding up of the company, to apply for and obtain rescission of his contract to take shares, and the removal of his name from the register of shareholders, on the ground that the prospectus—upon the terms of which (as expressly stated in the form of application for shares sent by the shareholder) he had applied for and been allotted shares in the company—contained material misrepresentations, although such prospectus was issued *before* the incorporation of the company, and although the shareholder seeking relief had not seen or relied on any prospectus issued *after* the incorporation of the company. The Court of Appeal in *Karberg's case* decided that although the misrepresentation contained in such a prospectus was not made by the company or its agents, yet, as it formed the basis of the contract—and the only contract—to take shares, entered into between the shareholder and the company, that such contract was thereby vitiated, and that the shareholder was entitled as against the company to have the contract rescinded, and to have his name removed from the register of shareholders, where such relief was sought before the winding up of the company. In the present case a prospectus, bearing date the 13th of November, 1889, had been issued by a promoter of the then intended company, before the incorporation of the company. On the 22nd of November, 1889, the company was registered, and another prospectus, identical in terms with that of the 13th of November, was then issued by the company, but there was no evidence that the present appellants had seen or relied on this subsequent prospectus, and the judge in the court below found as a fact that they had not seen it. On the 25th of November, 1889, and the three following days, four persons (the present appellants) signed and sent to the company an application for shares in the following terms: "To the Directors of the Canadian Direct Meat Co.—Gentlemen,—Having paid to your bankers the sum of £ being a deposit of 10s. per share on shares of £5 each in the above-named company, I request you to allot me that number of shares, and I agree to accept the same or any less number that may be allotted to me upon the terms of the prospectus dated the 13th of November, 1889, and subject to the regulations of the company, and to pay the further instalments in accordance with the terms of the said prospectus." Shares were accordingly allotted to the appellants on these applications. The prospectus of the 13th of November, 1889, contained material statements as to the affairs and management of the business of the company which were now admitted by the liquidator of the company to be untrue in fact. The present appellants, before the winding up of the company, commenced an action against the company claiming rescission of their contract to take shares and to have their names removed from the register. On the 2nd of May, 1890, a petition for the winding up of the company was presented, and on the 10th of May a supervision order was made. On the 23rd of May, 1892 (a few days prior to the judgment of the Court of Appeal in *Karberg's case*), Romer, J., gave judgment in the present case and dismissed the present appellants' claim for rescission, on the ground that the present appellants had not seen or relied on any prospectus published after the incorporation of the company, and that the misrepresentations in the prospectus of the 13th of November, 1889, were not misrepresentations made by the company or its agents. This decision was in accordance with the decision of Kekewich, J., in *Karberg's case* (*ante*, p. 272). From this decision of Romer, J., the present appeal was taken, and the appellants relied on the decision of the Court of Appeal in *Karberg's case* (40 W. R. Dig. 41, 66 L. T. N. S. 700) as deciding the point.

THE COURT (LINDLEY, BOWEN, and A. L. SMITH, L.J.J.) allowed the appeal.

LINDLEY, L.J.J., said that if the judgment of the Court of Appeal in *Karberg's case* had been accessible to Romer, J., when deciding the present case, the decision of that learned judge would probably have been the other way. The form of application for shares sent in to the company by the present appellants expressly stated that they applied for shares "upon the terms of the prospectus dated the 13th of November, 1889," and the shares were allotted to them on that application. The terms of the prospectus of the 13th of November, 1889, therefore, formed the basis of the contract to take shares entered into between the present appellants and the company; it was admitted that that prospectus contained material misrepresentations. That was quite enough to enable the present appellants to rescind their contract, as they had applied to do so before the winding up of the company. It was not necessary now to go into the law on the subject, as that had been fully gone into and laid down by the Court of Appeal in *Karberg's case*.

BOWEN and A. L. SMITH, L.J.J., concurred.—COUNSEL, RIGBY, S.G., and GROSVENOR WOODS; CHADWICK HEALEY AND C. E. E. JENKINS. SOLICITORS, MADDISONS; SAUNDERS, HAWKSFORD, BENNETT, & CO.

[Reported by M. J. BLAKE, Barrister-at-Law.]

## High Court—Chancery Division.

**LORD HENRY BRUCE AND OTHERS v. THE MARQUIS OF AILESBUCKY**—Stirling, J., 25th October.

PRACTICE—ISSUE OF WRIT—STAY OF ACTION—VEXATIOUS AND FRIVOLOUS PROCEEDING—ABUSE OF PROCESS OF THE COURT—AGREEMENT FOR SALE OF SETTLED ESTATES—ALLEGED FRAUD—SANCTION OF SALE BY THE HOUSE OF LORDS—RES JUDICATA.

The above-mentioned action was brought by the plaintiffs to obtain a declaration that the agreements entered into by the Marquis of Ailesbury and Lord Iveagh for the sale of the Savernake Estate were fraudulent as against the plaintiffs, and void, and ought to be delivered up to be cancelled, and also to obtain an injunction to restrain the defendants from carrying the agreements into effect. Lord Frederick Bruce, one of the trustees of the marquis's settlement, refused his consent to the sale, and a petition was presented by the marquis for the sanction of the court to the sale. His lordship dismissed the petition, but the Court of Appeal gave their decision (reported 40 W. R. 243, as *Re Ailesbury (Marquis of) Settled Estates*) overruling the judgment of Stirling, J., and sanctioned the sale of the Savernake Estate to Lord Iveagh for £750,000. On the 9th of August last the House of Lords affirmed the judgment of the Court of Appeal (reported *ante*, p. 711). On the 5th of August, in the interval between the hearing and the dismissal of the appeal in the House of Lords, the writ in this action was issued. Notice of motion for an injunction was given for the 10th of August, but the motion was not brought on. Thereupon, by special leave, two separate motions on behalf of the defendants, the Marquis of Ailesbury and Lord Iveagh, were made, asking that the action might be dismissed as frivolous and vexatious and an abuse of the process of the court. Lord Frederick Bruce had made an affidavit to the effect that he had been informed by Lord Ailesbury that Mr. Samuel Lewis, his principal creditor, had promised that if he signed the agreement for sale, and the sale took place, he (Mr. Lewis) would provide an annuity of £2,500 a year for Lord Ailesbury, and would make a will to that effect; and that Mr. Lawrence, who succeeded the late Mr. Mewburn-Walker as trustee, had stated to Lord Frederick that he did not intend that Lord Ailesbury should be dependent on Mr. Lewis's word and upon his will, and that nothing short of a deed would satisfy him, and that he, Lord Frederick, believed that at the time the agreements for sale were entered into a secret agreement was made with Lord Ailesbury that he was to receive an annuity of £2,500 a year in consideration of his entering into them, and that but for such secret bargain he would not have entered into them. In two affidavits filed by Lord Frederick and Lord Henry Bruce specific charges of attempts at bribery were made against Lord Iveagh. Lord Iveagh was examined and cross-examined, and stated that he had never directly or indirectly made, or authorized anyone else to make, the order he was alleged to have made—namely, an offer of a bribe of £50,000 to Lord Henry Bruce—in order to induce him to withdraw his opposition to the sale. The hearing of the motions was commenced on Friday, August 12, at four o'clock, and was, with the consent of the vacation judge, continued on Saturday, the first day of the Long Vacation. His lordship then arrived at the conclusion that the motions on behalf of the defendants must succeed, but said that, although he was prepared to state his reasons at once, he thought it better, in the interests of all parties, that he should put them into writing, and he therefore proposed to reserve his judgment, and to deliver it on the second day of the next sittings (see *ante*, p. 732). He now delivered judgment accordingly.

STIRLING, J., said that, before dealing with the evidence adduced on the motions, he proposed to make a few remarks as to the jurisdiction invoked by them. Its existence was unquestionable. It had been recently exercised by the House of Lords in two cases: *The Metropolitan Bank v. Pooley* (33 W. R. 709, 10 App. Cas. 210) and *Lawrance v. Lord Norreys* (38 W. R. 753, 15 App. Cas. 210). It followed from the language of Lord Blackburn in the former of these cases that the exercise of the jurisdiction could not be limited to cases such as had previously occurred. Wherever the circumstances were by satisfactory evidence shown to be such that the action was an abuse of the process of the court, then, according to the law there stated, there existed the power of summarily putting an end to it. The other case—*Lawrance v. Lord Norreys* (39 Ch. D. 213, 37 W. R. Dig. 145, 38 W. R. 753, 15 App. Cas. 210)—furnished a strong illustration of the application of the principles laid down by Lord Blackburn. Upon the argument of the present case it was contended that *Lawrance v. Lord Norreys* was decided on the ground that the statement of claim disclosed no reasonable cause of action, or, in other words, would, under the former system of pleading, have been demurrable. His lordship was unable to take that view. It seemed to him that the decision of the House of Lords was based on the ground that the allegations in the statement of claim were made without any reasonable ground for making them. He took that case to establish that the jurisdiction might be exercised when the court was satisfied that the plaintiff had no reasonable grounds for making the charge which he brought forward, and it was not unimportant to observe that the conclusion was arrived at in *Lawrance v. Lord Norreys*, as it was in the previous case of *Dawkins v. Prince Edward of Saxe-Weimar* (24 W. R. 670, 1 Q. B. D. 499), without any imputation being made against the honour or good faith of those by whom the case was brought forward. At the same time, it must be added that in the present class of cases, above all others, the court ought to proceed with care and circumspection. In the present case the action was based on two separate grounds, one of them affecting exclusively the defendant the Marquis of Ailesbury, the other principally

the defendant Lord Iveagh. The allegations which affected Lord Ailesbury were to be found in the affidavit of Lord Frederick Bruce in support of the plaintiffs' motion for an injunction. His lordship referred to the affidavit, and also to the other evidence given on behalf of the plaintiffs, and said that on this part of the case the plaintiffs relied on section 53 of the Settled Land Act, 1882, which provides that a tenant for life exercising any power under the Act shall have regard to the interests of all parties under the settlement, and shall be deemed to be in the position of a trustee for those parties. It was said that the marquis had been induced to enter into the agreement with Lord Iveagh under the influence of secret benefits agreed or promised to be conferred on him by Mr. Lewis, and consequently that the agreement ought not to stand. It was to be borne in mind, however, that Mr. Lewis was the mortgagee of the marquis's life interest, and although by section 50, sub-section 1, of the Act the power of sale conferred by the Act on the marquis as tenant for life remained exercisable by him after and notwithstanding the mortgage, yet by sub-section 3 this exercise was to operate without prejudice to the rights of any person being an assignee for value of the estate or interest of the tenant for life, and in that case the assignee's rights were not to be affected without his consent. The consent of Mr. Lewis to the sale was therefore necessary and had been obtained. It was contended on behalf of the plaintiffs that it was not competent for the marquis and Mr. Lewis to enter into any bargain or arrangement as to how the increased income which would result from the sale was to be divided between them as mortgagee and mortgagor respectively. In his lordship's opinion that contention ought not to prevail. When the life interest was incumbered the increased income belonged to the tenant for life and his incumbrancer, and he could see no reason why they should not be at liberty to determine in what shares it should be apportioned between them. There was nothing in the evidence to suggest that anything more had been done in the present case. It was said, however, that the plaintiffs were not bound to try their case on the present evidence, and were entitled to obtain discovery from the defendants and administer interrogatories to them, and that the court ought not to decide until the precise nature of the arrangement between the marquis and Mr. Lewis was ascertained. But the plaintiffs had already an opportunity of exercising those rights as against the marquis. Before the petition the question of the relations between the marquis and Mr. Lewis was raised; the marquis was at the hearing cross-examined as to them at considerable length, and upon the nature of those relations the arguments on behalf of the present plaintiffs were to a large extent based. The orders as to interrogatories and discovery (see ord. 31, rr. 1, 12) applied to matters as well as to causes; and by leave of the court discovery might have been obtained and interrogatories administered upon the petition just as well as in the present action. That proceedings on a petition might, no less than proceedings in an action, form the ground of a plea of *res judicata* was shewn by the decision of Pearson, J., and the Court of Appeal in *Re May* (32 W. R. 337, 33 W. R. 917, 25 Ch. D. 231, 28 Ch. D. 516). It was true that the court sometimes permitted a litigation to be reopened on the ground of the discovery of new matters; but for that purpose the litigant must (as was laid down by Lord Cairns, C., in *Phosphate Sewage Co. v. Molleson*, 4 App. Cas. 801, 28 W. R. Dig. 86) be prepared to say, "I will shew you that this new fact is one which entirely changes the aspect of the case, and I will shew you, further, that it was not, and could not by reasonable diligence have been, ascertained by me before." Now Lord Frederick Bruce did not even give the date of his conversation with the marquis set out in his affidavit; still less did he say that he could not have discovered the existence of the alleged bargain before the hearing of the petition. His lordship thought, therefore, that the plaintiffs, having failed to avail themselves of the opportunities afforded by the former proceedings of inquiring into the precise nature of the arrangement existing between Mr. Lewis and the marquis, and having unsuccessfully opposed the confirmation of the contract, ought not now to be allowed to bring those relations forward as the basis of an attack on the contract with Lord Iveagh. In his judgment this part of the case was an attempt to reopen the litigation between the present plaintiffs and the marquis which had been finally closed by the decision of the House of Lords. His lordship then passed on to consider the part of the case which principally affected Lord Iveagh, and after referring to the affidavits of Lord Henry and Lord Frederick Bruce in reference to the £50,000 and the evidence of Lord Iveagh in answer to them, and his account of his interview with Lord Frederick Bruce when he denied the charge of having offered £50,000, and Lord Frederick Bruce accepted the denial, said that he was entirely convinced of the accuracy of Lord Iveagh's statement as to the interview. The affidavits of Lord Frederick Bruce and Lord Henry Bruce shewed plainly enough that their case at present rested merely on suspicion. But the motion made on their behalf could not succeed merely on that ground. What was to be considered was whether reasonable ground was shewn for the suspicion. Now what they suspected and alleged was that Lord Iveagh had, directly or indirectly, made a promise to pay the marquis something out of the contract. The allegation was in itself most improbable. His lordship then dealt with the circumstances of the alleged offer, and said in conclusion that, looking at the whole history of the case, he thought that, without attributing to the plaintiffs any want of good faith, they had allowed themselves to be guided too much by their feelings, and that they had no reasonable ground for the action they had brought. In his opinion, therefore, the case was brought within the decision in *Lawrance v. Lord Norreys*, and the action ought to be dismissed.—COUNSEL, *Rigby, Q.C.*, now *S.G.*, and *Fossett Lock*; *Sir H. James, Q.C.*, and *Spencer Butler*; *Hastings, Q.C.*, and *Muir Mackenzie*; *Sir C. Russell, Q.C.*, now *A.G.*, *Buckley, Q.C.*, and *Geo. Henderson*; *SOLICITORS*, *G. B. Lawrence & Co.*; *Travers, Smith, & Braithwaite*; *Hunter & Haynes*.

[Reported by W. A. G. Woods, Barrister-at-Law.]

### High Court—Queen's Bench Division.

HASTINGS (LIM.) v. PEARSON—25th October.

PAWBROKER—LIABILITY—PLEDGE OF GOODS BY AGENT FOR SALE—"MERCANTILE AGENT"—FACTORS ACT, 1889 (52 & 53 VICT. c. 45), ss. 1, 2.

This was an appeal from a decision of his honour Judge Bristow, sitting at the Lambeth County Court, giving judgment for the defendant in an action brought to recover the value of goods, the property of the plaintiff, which had been pledged with the defendant (a pawnbroker) by a person in the employment of the plaintiff. The plaintiff was a dealer in jewellery, and employed a man named Brook to take articles to private houses for the purpose of selling them. Brook was paid by a small salary and by a commission on the price of the goods sold by him. It was admitted that he had pledged with the defendant articles so intrusted to him for sale by the plaintiff, and had appropriated the proceeds to his own use. The Factors Act, 1889, enacts (section 2, sub-section (1)) that "where a mercantile agent is, with the consent of the owner, in possession of goods or of the documents of title to goods, any sale, pledge, or other disposition of the goods made by him when acting in the ordinary course of business of a mercantile agent shall, subject to the provisions of this Act, be as valid as if he were expressly authorized by the owner of the goods to make the same; provided that the person taking under the disposition acts in good faith and has not, at the time of the disposition, notice that the person making the disposition has not authority to make the same"; and section 1 (sub-section 1) defines "mercantile agent" to mean "a mercantile agent having in the customary course of his business such agent authority either to sell goods or to consign goods for the purpose of sale, or to buy goods or to raise money on the security of goods." It was argued on behalf of the defendant that Brook was a mercantile agent within that definition, and that therefore the defendant was protected by section 2 from liability in respect of the plaintiff's goods pawned with him, and the county court judge so held.

The COURT (MATHER and BRUCE, J.J.) allowed the appeal, holding that to bring the defendant within the protection of the Act it must be shewn that Brook had in the ordinary course of his business authority to pledge goods and not merely to sell them. Appeal allowed.—COUNSEL, *Finlay, Q.C.*, and *Cluer*; *Atkinson, Q.C.*, and *Attenborough*; *SOLICITORS*, *H. E. Tudor*; *John Attenborough*.

[Reported by T. R. C. DILL, Barrister-at-Law.]

Re AN ARBITRATION BETWEEN THE RICHMOND GAS CO. AND THE MAYOR, &c., OF RICHMOND (SURREY)—25th October.

GAS COMPANY—STATUTORY OBLIGATION TO SUPPLY GAS AT FIXED PRICE—FAILURE OF SUPPLY CAUSED BY UNAVOIDABLE OCCURRENCE—LIABILITY TO ABATEMENT OF PRICE.

Case stated under the Arbitration Act, 1889, by an umpire to whom differences between the Richmond Gas Co. and the Corporation of Richmond had been referred. The Richmond Gas Co. was a company incorporated by Acts of Parliament and authorized to supply gas in the parish of Richmond and other places. By section 25 of the Richmond Gas Act, 1881, it is provided that "the charge for supplying gas to the public lamps in the parish of Richmond, including the providing and use of such lamps, and all proper lampposts, lampirons, burners, and fittings connected therewith, also the renewing and maintaining the same, and the lighting, cleaning, and extinguishing the lamps shall on and from the 30th day of June, 1881, be four pounds five shillings per lamp per annum, subject to an increase or reduction of five shillings per lamp per annum for every increase or reduction of threepence per one thousand cubic feet to the ordinary consumer within the said parish. The said lamps to be lighted from sunset to sunrise, and the burners used therein to consume not less than five cubic feet of gas per hour." Section 36 of the Gasworks Clauses Act, 1871 (which is incorporated in the Richmond Gas Act, 1881), enacts that "whenever the undertakers neglect or refuse to supply gas as by this Act required to all or any of the public lamps in accordance with the provisions of this Act they shall be liable to a penalty not exceeding forty shillings for each default." During the months of December, 1890, and January, 1891, it frequently happened that many of the public lamps in the parish of Richmond were not kept lighted by the company from sunset to sunrise, and that many others were supplied with and consumed less than five cubic feet of gas per hour. It was admitted for the purpose of this case that the cause of this default was that, by reason of the frosts of exceptional duration and severity which occurred during those months, the aqueous vapour unavoidably present in the gas was frozen in the pipes, and that by the ice and naphthaline crystals so formed the pipes were on several occasions stopped up, and the passage of gas to the burners prevented. It was also admitted that the company made special efforts and expended large sums of money with a view to overcome the obstructions in the pipes. The company contended that they were entitled to be paid the full price provided in the 25th section of the Richmond Gas Act, 1881, without any deduction in respect of the deficiency of supply or consumption of gas mentioned above, alleging that the deficiency referred to was caused by circumstances which were beyond their control, and relieved them from their statutory liability; they also contended that the only remedy of the corporation (if any) was to proceed for penalties under section 36 of the Gasworks Clauses Act, 1871. The corporation contended that the undertaking of the company was to supply light, and not merely gas, and that if they failed to supply light, from whatever cause, they were not entitled to recover the full statutory charge, but only such sum as should be fair having regard to the supply of gas actually provided.

MATHEW, J.—I think our judgment must be in favour of the gas company. The question is whether or not they must submit to a reduction in the lump sum provided by the Act as the price to be paid to them because of an occurrence which it is admitted was unavoidable. These gas Acts require companies to expend large amounts of money on the supply of gas, and that is to be done upon the terms specified in the Act itself. One term in this Act is that the gas shall be paid for at the rate of £4 5s. per lamp per annum. There is another important clause which points out the event in which the company may be treated as not complying with the Act—that is, where they "neglect or refuse to supply gas." Now, what occurred here was that the condition of the weather was such that it was impossible to convey the gas to the burners by ordinary methods. The company made special efforts to overcome the obstructions: everything that the company could do to supply gas to the lamps was done, but, owing to causes over which they had no control, the gas could not get to the lamps. It was argued that by virtue of this Act of Parliament the company entered into a contract to supply light, and that if the lights were put out on any particular night by a storm or by the malicious action of persons, the corporation might take notice of that, and make a deduction from the price paid for the gas. I think that such a construction of the Act is unreasonable, and that our judgment must be for the company upon this point.

BRUCE, J.—I am of the same opinion. At first sight it seems unreasonable that the corporation should pay for gas of which they have not had the benefit. But upon consideration the true view seems to be that the company are under a statutory obligation to provide gas and the necessary fittings: if they neglect or refuse to do so they are liable to a penalty. It is suggested that if the company do not supply the full amount of gas which they are intended to supply, the £4 5s., the statutory price, may be in some way apportioned. I do not think that is so. I think that there are independent obligations—one by the company to supply gas, and the other by the corporation to pay the £4 5s. per lamp. The case will, therefore, be remitted to the umpire with this expression of our opinion.—COUNSEL, A. J. Ram; C. A. Russell, SOLICITORS, Smith & Burrell; F. B. Senior, Town Clerk, Richmond, Surrey.

[Reported by T. R. C. DILL, Barrister-at-Law.]

**MUNRO v. BALFOUR; MANCHESTER (EASTERN DIVISION) ELECTION PETITION**—25th October.

**ELECTION PETITION—SCRUTINY—PARTICULARS OF ILLEGAL ACTS**

This was an appeal by the Right Honourable Arthur James Balfour, the respondent in a parliamentary election petition, against the refusal of Pollock, B., to order the petitioner to deliver certain particulars. The petition alleged that at the election for the East division of the parliamentary borough of Manchester, at which the respondent was returned as being duly elected, the respondent was, by agents acting on his behalf, guilty of bribery, treating, and intimidation, and that the election of the respondent was thereby rendered null and void. In respect of these allegations the petitioner was ordered by Pollock, B., to deliver particulars of the names of the persons alleged to have been bribed and to have bribed, together with their addresses and the amounts of money or other consideration given. Similar particulars were ordered to be given of the charges of treating and intimidation. There had been no appeal from this part of the order. The petitioner further by his petition claimed a scrutiny, alleging that certain persons voted for the respondent who were disqualified from voting by reason of their having bribed or been bribed or having voted twice or been guilty of other illegal practices. The petitioner alleged that he received a majority of the votes of the duly qualified electors and claimed the seat. The respondent took out a summons for the petitioner to supply him with particulars of the names and addresses of the persons alleged in the second part of the petition to have been disqualified by illegal practices, and the dates, nature, and other circumstances of the various illegal or disqualifying practices alleged. Pollock, B., refused to order these particulars, and the respondent appealed from his decision. Rule 6 of the Parliamentary Election Petition Rules, 1868, provides that evidence need not be stated in the petition, but the court or a judge may order such particulars as may be necessary to prevent surprise and unnecessary expense and to insure a fair and effectual trial in the same way as in ordinary proceedings in an action. Rule 7 provides that when a petitioner claims a seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of the election or return shall, six days before the day appointed for trial, deliver to the master and also at the address of the respondent a list of the votes intended to be objected to and of the heads of objection to each such vote, and no evidence shall be given against the validity of any vote nor upon any head of objection not specified in the list.

THE COURT (Lord COLEBRIDGE, C.J., and WILLS, J.) dismissed the appeal. Lord COLEBRIDGE, C.J., said that he was of opinion that the application must be refused. The petitioner first claimed that the election was void by reason of bribery on the part of the agent of the respondent. Rule 6 applied to that object, and rule 6 empowered the judge to make such an order as to particulars as would prevent surprise, and would insure a fair trial. The respondent had the particulars which he wanted of that portion of the petition. The petition, however, went on to claim the seat for the petitioner on grounds for a scrutiny, and alleged that a number of votes sufficient to annul the respondent's majority were disqualified for various reasons. It was admitted that rule 7 applied directly to such a case. Rule 7 was a plain enactment of the Legislature to meet a case where a petition asked for a scrutiny; each vote attacked must be specified, and the ground of objection stated, and the petitioner was not to give any other evidence. But it was said that rule 7 did not limit the general terms of rule 6, which applied to cases which also came under rule 7. If this

were so the result would be to strike out rule 7 altogether and render it nugatory, for in every case it would be competent for the party to discard rule 7 and to apply under the more general terms of rule 6. In his opinion rule 6 only applied to cases to which rule 7 did not apply, and that the present case came under rule 7. The appeal must, therefore, be dismissed

WILLS, J., concurred. Appeal dismissed.—COUNSEL, Duncker; Lewis Concord, SOLICITORS, Pritchard & Englefield, for Boote & Edgar, Manchester; Torr, Janeways, Gribble, Oddie, & Sinclair, for Hampson, Manchester.

[Reported by F. O. ROBINSON, Barrister-at-Law.]

**RODGER v. HARRISON AND OTHERS**—25th October.

**YORKSHIRE REGISTRIES—ASSURANCE—MEMORANDUM OF CHARGE—PRIORITY OF REGISTRATION—YORKSHIRE REGISTRIES ACT, 1884 (47 & 48 VICT. c. 54), ss. 3, 14.**

This was a special case stated under ord. 31, rr. 1, 2, in an action whereby the plaintiff claimed a declaration that he is entitled to have the premises comprised in a contract dated the 7th of June, 1889, transferred to him, and to have the title deeds thereof delivered to him. The material facts were as follows:—By an indenture of the 11th of April, 1889, Naylor mortgaged a piece of land situate in the parish of Leeds to the Leeds Provincial Building Society to secure the sum of £1,500 and interest. By another indenture of the 11th of April, 1889, Naylor mortgaged the same premises to the defendants to secure the sum of £240 and interest. By an agreement in writing of the 7th of June, 1889, made between Naylor and the plaintiff, in consideration of £200 then paid by the plaintiff to Naylor, Naylor agreed to complete certain buildings upon the same piece of land, and the plaintiff agreed to purchase the buildings when completed at the price of £750, less the £200 already paid. On the 29th of August, 1889, the defendants for the first time received notice of the plaintiff's agreement, and upon the same day they addressed a letter to the plaintiff's solicitor giving him notice of their mortgage of the 11th of April. On the 30th of August, and before his solicitor had received the said notice of the defendants' mortgage, the plaintiff procured the agreement of the 7th of June to be registered under the Yorkshire Registries Act, 1884, and the Acts amending the same. On the 31st of August the defendants caused their mortgage of the 11th of April to be registered for the first time under the same Acts. The mortgaged property was afterwards sold in the course of an action for redemption brought by the plaintiff against the building society, and the balance of the purchase-money after satisfaction of the building society's claims amounted to £247 6s. 1d. This sum was claimed by the plaintiff on the ground that the prior registration of the agreement of the 7th of June, 1889, gave him priority over the mortgage of the 11th of April, 1889. The defendants contended that the agreement of the 7th of June was not capable of registration under the Yorkshire Registries Act, and that the registration of it was therefore of no effect, and also that even if the registration were valid the agreement gave to the plaintiff no interest in the property or in the proceeds of sale thereof in priority to the defendants' mortgage. The Yorkshire Registries Act, 1884, provides (section 14) that "all assurances entitled to be registered under this Act shall have priority according to the date of registration thereof, and not according to the date of such assurances or of the execution thereof"; and by section 3 "the expression" assurance "shall include (*inter alia*) any memorandum of charge."

MATHEW, J.—I am of opinion that both these questions must be answered in favour of the plaintiff. With reference to the second question, all that we are asked to decide is whether the plaintiff has obtained priority over the defendants or not, and we think that he has obtained priority if the document upon which he relies was entitled to registration. That brings us to the other question: it is argued that this document was not an assurance within the Act; it was a contract to build houses upon the land and to sell them to the plaintiff when built. There is no doubt that this was an incumbrance upon the land, and it appears from the preamble that incumbrances are to be registered under the Act. But does this document come within the definition of an "assurance" in section 3? That definition includes memoranda of charge; it is agreed that this document creates a charge upon the property, and it is agreed that it is a memorandum. I think it is clear that it was a memorandum of charge, and that, having been registered under the Act, it has priority over the defendants' mortgage which was registered subsequently.

BRUCE, J.—I am of the same opinion and for the same reasons.—COUNSEL, G. E. Lyon; P. B. Abraham, SOLICITORS, Few & Co.; Paterson, Snow, Bloxam, & Kinder.

[Reported by T. R. C. DILL, Barrister-at-Law.]

**Solicitors' Cases.**

*In the matter of ANTHONY PULBROOK (a Solicitor)—Q.B.Div., 25th October.*

**SOLICITOR—PROFESSIONAL MISCONDUCT—SOLICITORS ACT, 1888 (51 & 52 VICT. c. 65).**

This case came before the court on the consideration of the report of the committee of the Incorporated Law Society appointed under the Solicitors Act, 1888, to inquire into the conduct of the respondent, a solicitor. The following statement of facts is taken from the report of the committee. In the year 1888 judgment was signed at the suit of the Big Golden Quarry Mining and Water Power Co. against the complainant for a sum of £73 in default of appearance. The respondent was then acting as solicitor for the company. The company sub-

Oct. 29, 1892.

sequently went into liquidation, and in 1889 a new company was formed, but the respondent did not act as solicitor either for the liquidator or for the new company. In March, 1891, the respondent, acting as solicitor for one Owen, obtained a summons at the Mansion House against the complainant for converting to his own use a cheque for £230. This cheque had been forwarded by Owen to the complainant in January, 1891, in payment for certain stock which Owen had requested the complainant to purchase for his account. The summons against the complainant was dismissed on his producing a transfer to Owen of stock of the required amount. This transfer deed, which appeared to have been executed but had no date of execution, bore upon it a stamp dated the 19th of March, 1891. In August, 1891, the respondent received a communication from a former clerk of the complainant to the effect that the transfer deed produced by the complainant on the hearing of the summons at the Mansion House was a forged deed; that the forged deed and an india-rubber stamp with which the forgery had been committed were in a safe at the complainant's office. At this date the judgment recovered by the company against the complainant in 1888 had not been satisfied. The respondent, for the purpose of obtaining possession of the alleged forged deed, proposed, without any authority from his former clients, the mining company, to issue execution against the complainant on the judgment obtained against him in 1888 by the mining company. The respondent subsequently informed his former clients that he had heard that the complainant had goods which might be seized under an execution, and by that means obtained their authority to issue execution, but he did not inform them that his real object in issuing execution was to obtain possession of the alleged forged deed. The respondent instructed the sheriff's officer to put an execution into the complainant's premises, but on learning that the real object of the execution was to enable the respondent to obtain possession of the alleged forged deed, so that the proceedings for the wrongful conversion of the cheque might be reopened, the sheriff's officer refused to break open the complainant's safe and seize the deed. The judgment of the mining company against the complainant was subsequently set aside by the court. The committee found that the respondent had used the process of the court, not for the *bona fide* purpose of satisfying the judgment, but for indirect and improper purposes.

The order of THE COURT (Lord COLE RIDGE, C.J., and WILLS, J.) was that the respondent should be suspended from practising for eighteen months.

Lord COLE RIDGE said that in these cases the court did not sit for the purpose of redressing private wrongs, but to enforce its discipline over its own officers, the solicitors, and it was no answer, therefore, to say that no harm had actually been done. The Committee of the Incorporated Law Society, after a full inquiry into all the facts of the case, had found that the process of the court had been used for indirect and improper purposes. In his opinion this finding was abundantly justified by the facts of the case.

WILLS, J., concurred.—COUNSEL, Hollams; Vernon; Willis, Q.C., and E. Hume Williams. SOLICITORS, Solicitor to the Incorporated Law Society; J. E. Vernon, Son, & Co., for the complainant.

[Reported by F. O. ROBINSON, Barrister-at-Law.]

### THE RETIREMENT OF MR. JUSTICE DENMAN.

At the opening of the sittings on Monday the court of the Lord Chief Justice was densely crowded, both as to bench and body of the court, with judges, counsel, and solicitors anxious to testify their respect for the retiring judge. The Attorney-General rose, with the whole bar, and in the course of his address said, I feel it to be a great privilege and honour to be to-day the mouthpiece of a great profession. Yet I feel that there is a certain fitness in the devolving of this honour upon me, because I am one of the comparatively small and decreasing number of those who have not only practised before you during the twenty years in which you have been a judge, but I have also had the honour of being your colleague at the bar, where you maintained the best and highest traditions of a great profession. Mr. Denman, of your university career I do not desire to speak, marked though it was by ripe and deep scholarship. Nor shall I dwell further on your proud and well-deserved position at the bar than to say that, when it was known you were to be a judge, your appointment was regarded by the bench and the bar as the fulfilment of their just expectations. As to your career on the bench, it is so vividly in the memory of all who hear me that I need not dwell upon it. It is not too much to say that, in your patience and your courtesy—extended to all alike from the oldest to the youngest members of the bar—in your manly independence, in your unwearied efforts to arrive at the truth, you did your best to realize the highest ideal of a judge—all that a judge ought to do whose aim must always be to discover the truth. You have always remembered Lord Bacon's injunction to the judges of his day: "Render justice to the people, fearing nothing, seeking nothing, neither benefit nor praise." There is nothing which need be melancholy to you on this occasion. You are beginning what I hope will be a long period of justly-earned repose; your natural powers unabated; with the unweakened confidence, respect, and attachment of the bar. And when, in days to come, you are spoken of in language familiar indeed, but inspired by kindly and affectionate regard, it will be said, "George Denman was indeed the soul of honour."<sup>13</sup>

The Hon. GEO. DENMAN then said:—It had occurred to me that, having the pleasure this morning of attending the Lord Chancellor's breakfast, where I met so many of my brethren and members of the profession, that would be an adequate leave-taking on my retirement from the bench, but I confess I am not sorry that it has been thought by others better that I

should submit to what I must regard as the gratifying ordeal of taking leave of you in public. For, large as is the attendance, and illustrious as are the persons who are present on such an occasion, it would not have given me the opportunity I now have in the presence of so many members of the junior bar and many also of the other branch of the profession, thus giving me the opportunity of taking leave of them and of thanking them all for the constant kindness and courtesy I have ever, as a judge, received from them in the course of my long judicial career. [The learned judge here became very much affected.] Mr. Attorney-General, I cannot trust myself to make a long address. But I must try and say a few words to express my sense of the advantages which a man has who holds the office I have held for twenty years, and especially if, as was the case with me, he has known the profession from still earlier days than those which brought him to the bar. I could not help thinking the other day, on an occasion when I thought might be expected to say something, how many men of eminence, and illustrious in the law, it had been my privilege to know from the earliest days I can recollect to the present time, and I found that in the twenty years during which I was a judge I had no less than forty-seven new colleagues, with every one of whom I had personal acquaintance—I have known them all, they have all been friends, they have all been good servants of their country, as those who remain are, and I have no doubt those who may follow will be so too. Between the time when I was called to the bar (in 1846) and the time when I was made a judge there were twenty-six, leaving out those whom I have already spoken of and reckoning only those who were members of the bench when I was made a judge. Every one of those men was brought up to the legal profession, had been a student, a member of the junior bar, and afterwards generally a leader. And it is impossible to reflect upon this without feeling what an honour it is to be thought worthy to have been a member of such a profession, which has supplied so many eminent servants of their country in a judicial capacity. Mr. Attorney-General, I also wish to give my testimony to the merits of the other branch of the profession—the solicitors. No doubt we hear with regret every now and then of some yielding to temptation and doing things which have to be visited with serious penalties. But as to the great body of solicitors, of whose conduct we have every day ample experience, I can say that I know of no class of the community to whom the country is more indebted than these men, who know the secrets of families and by whom the interests of their clients are zealously attended to and their secrets inviolably kept. And there is another branch of the profession to whose kind co-operation I as a judge of long standing feel that I ought to pay my tribute, and that is our clerks, to whose good conduct and earnest assistance and honourable abstinence from gossip about things they must know of it is impossible to say how we are all indebted, nor how much the public are indebted. There are the barristers' clerks; I need not say how valuable they are, nor how difficult it would be for the working members of the bar to get through their business without the assistance rendered to them by honest, faithful, and attentive clerks. Then there are the solicitors' clerks, men who really do so much of the business of the profession, which is done often as much by the clerks as the principals. To allude to only one branch of this class of the profession, I should like to give my hearty thanks to those clerks who come before the judges at chambers and address us on cases before us, often with much acumen and good sense, and who really render efficient assistance in the discharge of business. I do not hesitate to say that by their assistance the work is done in such a way that the public have no idea how much they owe to this class of the members of the profession. Mr. Attorney-General, I do not desire to speak about myself—I am averse to egotism or ostentation, and if anyone thinks I have ever shewn a tendency to anything of the kind he has misinterpreted me, and misunderstood something I may have perhaps clumsily said. All I wish now to do is to assure you that I shall ever entertain the most cordial sense of the kindness which every member of the profession with whom I have ever been brought in contact has shewn to me. I shall always love it. I shall always take an interest in its proceedings, and in all that affects its welfare. And now it only remains for me to say to my brethren—to all the members of the bar, and to all other members of the profession—most earnestly and gratefully, "Farewell."

### LAW STUDENTS' JOURNAL.

#### LAW STUDENTS' SOCIETIES.

LAW STUDENTS' DEBATING SOCIETY.—October 25.—Mr. Clarence Harcourt in the chair.—Mr. W. R. Kinipple opened the debate—"That this society is opposed to any legislation restricting the hours of adult labour"—in the affirmative. Mr. H. Foden Pattinson followed in the negative. The following spoke in the affirmative: Messrs. G. G. Douglas, Henderson, Gireen; the following in the negative: Messrs. Herbert Smith, Watkins, and Brown. The motion was carried.

A Reuter telegram, printed by the *Times* and dated Leipsic, the 26th of October, says:—"The death is announced here to-day of Dr. Windscheid, the eminent Professor of Roman Law. He was born at Düsseldorf in 1817, and studied at the universities of Bonn and Berlin; and was appointed Professor of Roman Law at Basle in 1847, which position he filled subsequently at various German universities with great distinction. Professor Windscheid was employed for a time on the commission charged to draw up a German Code of Civil Law."

## LEGAL NEWS.

### APPOINTMENTS.

Mr. WILLIAM FRANK BLANDY, M.A. Oxon, solicitor, Reading, president of the Berks, Bucks, and Oxfordshire Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Blandy was admitted in Michaelmas, 1851. He is clerk to the borough justices, under-sheriff for Berkshire, a commissioner for oaths, and a perpetual commissioner.

Mr. GEORGE FREDERICK COOKE, solicitor, Norwich, president of the Norwich and Norfolk Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Cooke was admitted in Easter, 1843. He is registrar of the county court, registrar of the High Court, and a commissioner for oaths.

Mr. JOHN ASKER FOYSTER, solicitor, Manchester, president of the Manchester Law Association, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Foyster was admitted in Hilary, 1866. He is clerk to the Salford justices, joint clerk to the Salford Union, a commissioner for oaths, and a perpetual commissioner.

Mr. MELVILLE GREEN, solicitor, Worthing, president of the Sussex Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Green was admitted in Easter, 1859, after passing the Final Examination with honours. He is registrar of the county court, a commissioner for oaths, and a perpetual commissioner.

Mr. WILLIAM JOHN HUMFRYS, solicitor, Hereford, president of the Herefordshire Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Humfrys was admitted in Michaelmas, 1863. He is a commissioner for oaths and a perpetual commissioner.

Mr. LAURISTON WINTERBOTHAM LEWIS, solicitor, Walsall, president of the Birmingham Law Society, has been re-elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Lewis was admitted in Michaelmas, 1847.

Mr. JEREMIAH OSBORNE, solicitor, Bristol, president of the Bristol Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Osborne was admitted in Trinity, 1867.

Mr. JOHN JAMES EDGCOMBE VENNING, solicitor, Devonport, president of the Plymouth Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Vanning was admitted in Trinity, 1858, after passing the Final Examination with honours. Mr. Vanning is town clerk, clerk to the sanitary authority, agent to the Treasury solicitor in admiralty matters, and a commissioner for oaths.

Mr. AUGUSTUS FREDERICK WARR, solicitor, Liverpool, president of the Liverpool Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Warr was admitted in Trinity, 1870, after passing the Final Examination with honours.

Mr. JAMES THOMAS WOODHOUSE, LL.B. Lond., solicitor, Hull, president of the Yorkshire Law Society, has been elected an Extraordinary Member of the Council of the Incorporated Law Society. Mr. Woodhouse was admitted in Michaelmas, 1873. He was last year Mayor of Hull, and he has before been an extraordinary member of the council as president of the Hull Law Society.

Mr. EDGAR STUART BRUCE-PAYNE, solicitor, of Deal and Sandwich, has been appointed a Perpetual Commissioner for the county of Kent.

Mr. ALFRED HUNT LEWIS, solicitor (of the firm of L. W. Lewis & Sons), Walsall, has been appointed, in succession to Mr. L. W. Lewis, resigned, Clerk to the Guardians, Assessment Committee, and Rural Sanitary Authority of the Walsall Union, and Superintendent-Registrar. Mr. A. H. Lewis was admitted in November, 1881, and is secretary to the trustees of the Walsall Municipal Charities. [We regret that the above announcement has been accidentally delayed.]

Sir SHERSTON BAKER, Bart., Recorder of Barnstaple, has been unanimously elected President of the Sylvan Debating Club, at Lord's, Regent's-park, N.W., in place of the late Mr. Charles Greville Pridgeaux, Q.C., Recorder of Bristol.

## CHANGES IN PARTNERSHIPS.

### DISSOLUTION.

WILLIAM STEVENS and WILLIAM STEVENS the younger, solicitors and notaries (Stevens & Son), Brighton. Dec. 31. [Gazette, Oct. 25.]

## INFORMATION WANTED.

RE LOUISA JERVIS, deceased.—To Solicitors and others.—Anyone having in their custody a Will, believed to have been made by the above deceased between the years 1837 and 1892, are requested to Communicate with Mrs. Perrier, Aragon Close, Twickenham.

## GENERAL.

Judge Comstock, whose death the *Albany Law Journal* records, was, it says, a man of very singular and striking appearance. His head was small, his face was extremely unintellectual, his chin especially weak and retreating. He was very tall and very thin and walked with a pomposity that was almost grotesque. His dignity was appalling; he smoked a cigar with an air of condescension mingled with that appropriate to the performance of a religious function. He was a poor speaker, his voice thin and unimpressive, his manner devoid of grace or power. Despite these person

disadvantages he held the attention of the bench and bar by the sheer force and brilliancy of his logical exhibitions.

Public attention, says the *Pall Mall Gazette*, has just been called by Lord Young, one of the ablest and best known of the Scotch judges, to a startling instance of the cost of criminals. A man who came before his lordship for sentence had during the last fourteen years stolen some £4 or £5 worth of property, and for this had suffered altogether eight years' imprisonment, at a cost to the country of something like £100 or £500. Lord Young did well in bringing these figures into such striking contrast, but it is far easier to point out the anomaly than to suggest a remedy. His lordship, however, in this particular case made a new departure, and, ignoring all previous convictions, let the criminal off with three months.

The London correspondent of the *Manchester Courier* says:—Few people have any idea of the extent to which Government officials are pestered by frivolous correspondents. Thus I heard this afternoon of a War Office clerk who was confronted by the inquiry whether one should write “comptroller” or “controller.” But the Local Government Board was victimized not long ago in a more remarkable manner. For some time they were pestered by a Mr. Blank writing from the Temple upon most abstruse topics connected with drainage and sanitation. At last the shower of questions grew unbearable, and a junior official was sent to the chambers in question to discover the motives of this remarkably inquisitive barrister. He knocked and asked for Mr. Blank. A shrill voice replied. “Please, sir, it's me.” The valuable time of several of Her Majesty's servants had been expended in satisfying the thirst for knowledge of an office boy.

## COURT PAPERS.

### SUPREME COURT OF JUDICATURE.

Date.	ROTA OF REGISTRARS IN ATTENDANCE ON		Mr. Justice NORTH.
	APPEAL COURT	Mr. Justice CHITTY.	
Monday, Oct. 31	Mr. Ward	Mr. Clowes	Mr. Godfrey
Tuesday, Nov. 1	Pemberton	Jackson	Leach
Wednesday	Ward	Clowes	Godfrey
Thursday	Pemberton	Jackson	Leach
Friday	Ward	Clowes	Godfrey
Saturday	Pemberton	Jackson	Leach
	Mr. Justice STIRLING.	Mr. Justice KEKEWICH.	Mr. Justice ROMER.
Monday, Oct. 31	Mr. Rolt	Mr. Lavie	Mr. Pugh
Tuesday, Nov. 1	Farmer	Carrington	Beal
Wednesday	Rolt	Lavie	Pugh
Thursday	Farmer	Carrington	Beal
Friday	Rolt	Lavie	Pugh
Saturday	Farmer	Carrington	Beal

**WARNING TO INTENDING HOUSE PURCHASERS & LESSERS.**—Before purchasing or renting a house have the Sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 65, next the Meteorological Office, Victoria-st., Westminster (Estab. 1875), who also undertake the Ventilation of Offices, &c. [ADVT.]

## WINDING UP NOTICES.

*London Gazette*,—FRIDAY, Oct. 21.

### JOINT STOCK COMPANIES.

#### LIMITED IN CHANCERY.

BRITISH FIRE EXTINGUISHING CO., LIMITED.—Creditors are required, on or before Nov. 21, to send their names and addresses, and the particulars of their debts or claims, to Frederick James Asbury, 34, Pall Mall, Manchester. Sale & Co., Manchester, solors for liquidator.

ISAAC BAILEY, LIMITED.—Creditors are required, on or before Nov. 30, to send their names and addresses, and the particulars of their debts or claims, to Tom Wilkinson, 18, Bavaria pl., Manningham, Bradford. Spencer & Clarkson, Keighley, solors for liquidator.

MONA HOTEL, LIMITED.—Creditors are required, on or before Nov. 19, to send the particulars of their claims or demands, to Wm. H. Pannell, 13 and 14, Basinghall st., solors for liquidator.

#### FRIENDLY SOCIETIES DISSOLVED.

COMBE HAY UNITED FRIENDLY SOCIETY, Combe Hay, Somerset. Oct. 15 LYDBROOK SCHOOL SICK AND BURIAL SOCIETY, National School, Lydbrook, Gloucester Oct. 15

*London Gazette*,—TUESDAY, Oct. 25.

### JOINT STOCK COMPANIES.

#### LIMITED IN CHANCERY.

CITY STOCK EXCHANGE CO., LIMITED.—Creditors are required, on or before Nov. 12, to send their names and addresses, and the particulars of their debts or claims, to Sherswell Powell Gilbert, at W. H. Martin & Co., 15, King st., Guildhall, solors for liquidator.

GEORGE NEWMAN & CO., LIMITED.—Petn for winding up, presented Oct. 24, directed to be heard on Wednesday, Nov. 9. Phelps & Co., Aldermanbury, petner's solors. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Nov. 8.

HEYWOOD, HOGGINBOTTOM, SMITH & CO., LIMITED.—Creditors are required, on or before Dec. 10, to send their names and addresses, and the particulars of their debts or claims, to William Whitaker, 86, King st., Manchester. Wiggleworth & Rogers, Manchester, solors for liquidator.

LANDS ALLOTMENT CO., LIMITED.—Petn for winding up, presented Oct. 24, directed to be heard on Wednesday, Nov. 9. Thorne & Welsford, Gracechurch st. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Nov. 8.

MACHINERY SUPPLY CO., LIMITED.—Creditors are required, on or before Nov. 15, to send their names and addresses, and the particulars of their debts or claims, to Thomas Bowden, 42, Mosley st., Newcastle upon Tyne.

REAL ESTATES CO., LIMITED.—Petn for winding up, presented Oct. 20, directed to be heard on Wednesday, Nov. 9. Thorne & Welsford, Gracechurch st. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Nov. 8.

SALFORD BREWERY CO., LIMITED.—Creditors are required, on or before Dec. 4, to send their names and addresses, and the particulars of their debts or claims, to Francis Graham Napier, 37, New Cannon st., Manchester. Atkinson & Co., Manchester, solors for liquidator.

SCANDINAVIAN EXPLORATION CO., LIMITED.—Creditors are required, on or before Dec. 20, to send their names and addresses, and the particulars of their debts or claims, to John William Woodthorpe, Leadenhall bldgs, Leadenhall st.

WAR ORDNANCE SYNDICATE, LIMITED.—Creditors are required, on or before Nov 21, to send their names and addresses, and the particulars of their claims or demands, to William Sharp, 60, Gresham st. *Harries & Co, Coleman st.*

## UNLIMITED IN CHANCERY.

GLAMORGAN CENTRAL PERMANENT BENEFIT BUILDING SOCIETY.—Petition for winding up, presented Oct. 18, directed to be heard on Nov 9. *Bell & Co, Bow Churchyard, Cheapside, agents for Cutthbertson & Powell, Neath, Peters' solars.* Notice of appearing must reach the abovenamed Bell & Co not later than 6 o'clock in the afternoon of Nov 8.

CRÉDITORS' NOTICES.  
UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

*London Gazette.*—TUESDAY, Oct. 18.

ADDLE, THOMAS, Purton, Berkeley, Glos, Pilot Nov 14 Francillon, Dursley  
BAKER, ANN ELIZABETH, Cambridge, Grocer Nov 30 Whitehead & Son, Cambridge  
BUDDLE, CHARLES, Plumpton, Sussex Nov 15 Beck, Brighton  
BUGLASS, GEORGE, Bellingham, Northumbria, Butcher Dec 1 Robt Brown, Newcastle on Tyne  
COOK, AMBROSE, Haslington, co Chester Nov 14 Hill, Crewe  
COOPER, WILLIAM, Kingston on Thames, Horse Dealer Nov 24 Sherrard, Lincoln's inn fields  
CURTIS, MARY ELIZA, Brighton Nov 30 Verrall & Borlace, Brighton  
DAVY, HENRY, Bellair, Madron, Cornwall, Gent Nov 9 Trythall, Penzance; Dale, Penzance  
FOUNTAIN, HENRY, Barnsley, Colliery Owner Dec 1 Horsfield, Barnsley  
GILL, HENRY SEPTIMUS, Tiverton, Devon, Esq. Nov 25 Hole, Tiverton  
GOODEY, GOLDEN, Chappel, Essex, Farmer Dec 25 Beaumont & Surridge, Coggeshall  
HARDING, SIR ARTHUR EDWARD, General the Hon. Lower Grosvenor place, Pimlico, KCB Dec 9 Currie & Co, Lincoln's inn fields  
HARIGRAVE, ELLEN, Harrogate Dec 1 North, Sons, Leeds  
HAYWARD, JANE, Lowestoft, Fishing-boat Owner Nov 1 Johnson, Lowestoft  
HEAP, JOHN, Bury, Newspaper Proprietor Nov 20 Addleshaw & Warburton, Manchester  
HEARD, LADY CHARLOTTE EMILY HARRIETTE ANN, Caterham Rectory, Surrey Nov 14 Bell & Co, Lincoln's inn fields  
HEARD, JAMES NEVIL, Caterham Rectory, Surrey, Clerk in Holy Orders Nov 14 Bell & Co, Lincoln's inn fields  
HEWITT, EBENEZER, High Legh, co Chester, Tailor Nov 30 Welford, Lynn  
JAYCOCK, WILLIAM, Wombwell, Barnsley, Gent Nov 26 Carrington, Barnsley  
LEGGETT, EDWARD, Beccles, Suffolk, Smack Owner Nov 8 Harmer & Ruddock, Great Yarmouth  
LEONARD, ELIZABETH, Broadhurst gdns Nov 10 Baileys & Co, Birmers st  
MACDONALD, MARIA, Newcastle on Tyne Dec 1 Robt Brown, Newcastle on Tyne  
MCKEEN, PATRICK, Preston, Whitehaven Nov 11 Craven, Preston  
NEILSON, MARY ELIZABETH, Aigburth, nr Liverpool Nov 15 Laces & Co, Liverpool  
OWEN, ELIZABETH, Marmion rd, Liverpool Nov 30 Weightman & Co, Liverpool  
SNEGLAS, EDWIN, Andover, co Southampton, Coal Merchant Oct 21 Lamb, Andover  
STEVENS, HARRIETT, Tynemouth rd, Tottenham Nov 15 G & W Webb, Austinfriars  
SWINTON, ALAN, Esq., Coldstream, N.B. Nov 15 Strathern & Blair, Edinburgh  
THACKRAY, JOSEPH, Hulme, Manchester, Licensed Victualler's Manager Nov 19 Payne & Co, Manchester  
TILEY, MARY, Wellingtonborough Nov 26 Parker, Wellingtonborough  
VEREY, GEORGE, Purley, nr Croydon Nov 17 Smith & Son, Furnival's inn, Holborn  
WARD, JAMES, Roath Castle, Glam, Gent Nov 15 Morgan, Cardiff  
WHITTAKER, ISAAC JOHN, Stonecough, Lanes, Cotton Manufacturer Nov 26 Grundy & Co, Manchester  
WILSON, WILLIAM LANGHAM HAZLERIGGE LE HUNTE, Rue Magents, Paris, Esq. Nov 14 Davies & Co, Haverfordwest  
WOOD, EUGENE, Barnsley, Flint Glass Manufacturer Dec 1 Horsfield, Barnsley

*London Gazette.*—FRIDAY, Oct. 21.

ALLISON, PRISCILLA, Kemble rd, Tottenham Nov 15 Field, Hanbury st  
BEVINGTON, JAMES BUCKINGHAM, Sevenoaks, Kent, Esq. Dec 22 Hawks & Co, Borough High st, Southwark  
BOWLER, MARY ELIZABETH, Kingswinford, Staffs Nov 18 Johnson, Dudley  
BOWMAN, MARGARET, Tunbridge Wells Nov 28 Hollams & Co, Mincing lane  
CHURCHILL, JOHN, Hall Croft, Gosforth, Cumbri, Esq. Nov 30 Musgrave, Whitehaven  
CLINTON, THOMAS, Welland, Worcs, Farmer Nov 21 Moore, Upton on Severn  
CRAVEN, CHARLES, Raleigh Club, Capt Sefts Greys Nov 22 Tatham & Pym, Frederick's pl, Old Jewry  
DAYSON, FRANCIS, High st, Whitechapel, Confectioner Dec 18 Boydell, jun, South sq, Gray's inn  
FERVIS, ELIZABETH, Tiverton, Devon Nov 21 Partridge & Cockram, Tiverton  
GASCOIGNE, MARY ANN, Catesby, co Northampton Nov 16 Roche, Daventry  
HARVEY, JAMES, Altringham, co Chester, Hotel Keeper Nov 18 Nicholls & Co, Altringham  
HAWKINS, AARON, Hatfield heath, Essex, Corn Merchant Nov 22 Acklands & Nockolds, Bishops Stortford  
HERBERT, HANNAH, Godmanchester, Hunts, Dairywoman Nov 12 Hunnybun & Sons, Huntingdon  
HEYWOOD, ISAAC, Mansfield, Notts, Gent Nov 19 Maltby, Mansfield  
HODGE, WILLIAM, Devonport Nov 23 Eastley & Co, Paignton  
HODGSON, EDWARD, Chorlton upon Medlock, Manchester, Gent Nov 22 Rowley & Co, Manchester  
HOLLADAY, CHARLES, Alvechurch, Worcs, Innkeeper Nov 25 Tunbridge, Redditch  
HOLLADAY, ESTHER, Alvechurch, Worcs Nov 25 Tunbridge, Redditch  
KENWORTHY, JOHN, Barnsley, Ironfounder Dec 10 Raley & Son, Barnsley  
LANCASHIRE, ROBERT, Newton Heath, Manchester, Estate Agent Nov 19 Sutton & Co, Manchester  
LUCAS, WILLIAM, Hyde, co Chester, Reed Maker Dec 24 Brownson, Hyde  
MARSHALL, ELLIS, Bolton, Licensed Victualler Nov 12 Fielding & Fernighough, Bolton  
NICHOLSON, DINAH, Dumfries, Scotland Nov 30 Arnis & Co, Penrith  
OLIVIER, Rev Canon ALFRED, Pear Tree, co Derby Dec 1 Busby, Derby  
PARRY, ALICE, Grumman rd, Peckham Nov 26 Leighton, Clement's inn, Strand

PATERSON, MARY ANN, Brockhurst, Alverstoke, Hants Nov 30 Cousins & Burbidge, Portsmouth  
RICHARDSON, CHARLES, Wimbledon park, Surrey, Esq. Nov 30 Western & Sons, Essex st, Strand  
ROBERTS, JOHN, Llandudno, Contractor Nov 22 Chamberlain & Johnson, Llandudno  
SCHILP, JOHN ENOS, Skidmore st, Stepney, Licensed Victualler Dec 1 Goldberg & Langdon, West st, Finsbury circus  
SEWELL, ANTHONY, Eastcheap, Teadealer Nov 25 Andrew & Co, Clement's lane  
SKANE, WILLIAM, Bootle, Team Owner Oct 31 Tyer & Mackenzie, Liverpool  
SPENCER, WILLIAM, Sefton Park, Liverpool, Clerk in Holy Orders Dec 1 Banks & Co, Preston  
TAYLOR, JANE, Langley, nr Oldbury, Wores Nov 8 Cooksey, Old Hill, Staffs  
WESTON, MONTAGUE CHARLES, Dorchester, Solicitor Nov 30 Symonds & Sons, Dorchester  
WHISH, HARRIETTE ANN, Great Cumberland pl, Hyde Park Nov 30 J & C Robinson & Wilkins, King's Arms yard  
WHITEWAY, ANNA ELIZABETH, Torquay Nov 7 Hacker, Newton Abbot  
WILLIS, HENRY THOMAS GILBERT, Manningham, Bradford Nov 22 Humphreys & Hirst, Halifax  
*London Gazette.*—TUESDAY, Oct. 25.  
ALDRIDGE, JAMES, Hastings, Gent Nov 28 Mann & Crimp, Essex st, Strand  
BANKS, ISABELLA, Woolwich, Silversmith Nov 30 Sampson, Woolwich  
BARNES, WILLIAM, Tarporley, co Chester, Innkeeper Dec 21 Moss & Sharpe, Chester  
BONALONGE, PETER, Manchester, Gent Dec 6 Dixon & Lindell, Manchester  
BRETTELLE, JOHN KING, Clifton, Bristol, Gent Dec 18 Gwynn & Masters, Bristol  
CHALMERS, GIBIT ALEXANDER, Kintore, N.B., Esq. Dec 1 Wadeson & Malleson, Ainstyfriars  
CHALMERS, SIDNEY, Faygate, Sussex, Maj Gen in Indian Army Dec 15 Sanderson & Co, Queen Victoria st  
COTTAM, GEORGE, Warrington crescent, Maida Vale, Gent Dec 20 Ford & Co, Bloomsbury sq  
CRICK, CAROLINE, Han slope, Bucks Nov 30 Andrew & Smith, Northampton  
CHOMPTON, SUSANNAH, Bury Nov 25 Crompton, Bury  
DAWSON, MARY GERTRUDE, South Orwam, nr Halifax Dec 8 Stuckey & Co, Brighton  
EVANS, EDWARD, Ruthin, co Denbigh, Innkeeper Dec 1 Lloyd & Roberts, Ruthin  
EVANS, JANE, Ruthin, co Denbigh Dec 1 Lloyd & Roberts, Ruthin  
FALKNER, MARY JULIA, Hanley, Fruiterer Nov 13 Ashmell, Hanley  
FALKNER, WILLIAM, Hanley, Fruiterer Nov 13 Ashmell, Hanley  
FOX, SARAH, Clevedon, Somerset Nov 25 Sturge, Bristol  
FYNS, RICHARD, Blyth, Northumbria Nov 4 Lynn & Rutherford, Blyth  
GILZEAN, MARGARET, Clifton, Bristol Nov 30 Dancer & Cartwright, Bristol  
GLOSSOP, MARIA ANN, Wellington st, Strand, Theatrical Costumer Nov 30 Waller & Son, Duke st, Adelphi  
GUNDEY, JOHN, West Brighton, Gent Dec 1 H S & S Watts, Yeovil, Somerset  
HAMBLETON, JOHN, Hanley, Contractor Nov 21 W & H Bishop, Hanley  
HAMMOND, FREDERICK, Shrewsbury, Fishmonger Nov 27 Wade, Shrewsbury  
HAND, WILLIAM, Hanley, Blacksmith Nov 21 Heath, Hanley  
HASENCLEVER, FELIX, Wimpole st, Captain in German Navy Dec 1 Goldberg & Langdon, West st, Finsbury circus  
HARRIS, WILLIAM, Melbourne, Camb, Builder Nov 25 Wortham & Nash, Royston, Herts  
HEWETT, FRANCIS, Oxford, Grocer Dec 11 Walsh, Oxford  
HOLMES, ELIZABETH, Bromsgrove, Worcs Dec 30 Sanders, Bromsgrove  
HOWARD, MOST REV EDWARD HENRY, Cardinal, Brighton Nov 22 Prior & Co, Lincoln's inn fields  
HOWDEN, CAROLINE, Carleton, Pontefract Dec 1 Moxon, Pontefract  
HUDSON, EDWARD HARRISON, Bournemouth, Esq. Dec 3 Gadsden & Treherne, Bedford tow  
JACKSON, MINNIE BEATRICE, Whykeham st, Liverpool Nov 30 Lee & Scott, Manchester  
JARVIS, JAMES, Mammamead, nr Plymouth, Esq., Lieutenant in 38th Regiment Dec 25 Rooke & Co, Plymouth  
JEPHSON, BETSY, Monnetier Mornex, Haute Savoie, France Dec 6 Goldberg & Langdon, 1, West st, Finsbury circus  
JOHNSON, SAMUEL LOVICK, Worthing, Gent Nov 26 Champion & Co, Eastbourne  
LEIGH, JAMES, Heaton Norris, Lancs, Licensed Victualler Nov 15 Lake & New, Stockport  
MALE, JOHN, Kingston, Camb, Farmer Nov 12 Feed, Cambridge  
MORGAN, FORTESCUE JOHN, Henley on Thames, Surgeon Nov 30 Atter, Stamford, Lines  
MORRIS, THOMAS, Bedworth, co Warwick Nov 21 Minster, Coventry  
MOUNT, MARY ANNE JANE, Chichester, Sussex Nov 24 Dimond & Son, Wimpole st  
NEWTON, MARY, Crouch End, Hornsey Dec 6 Brown & Co, Finsbury pavement  
ONLEY, CHARLES REED, The Gardens, Peckham rye, Gent Nov 21 Hicklin & Co, Trinity sq, Southwark  
OSLEY, MARY ANN, The Gardens, Peckham rye Nov 21 Hicklin & Co, Trinity sq, Southwark  
PRIDEAU, CHARLES GREVILE, Portland terr, Regent's park, Q.C., Recorder of Bristol Nov 30 Dancer & Cartwright, Bristol  
RUTHERFORD, SAMUEL, Pulteney, Sussex, M.D. Dec 2 Mant & Mant, Storrington  
SHAW, THOMAS, Kimberley, Notts, Grocer Dec 6 Eking, Nottingham  
SHIPTON, GEORGE, Sheffield, Provision Dealer Dec 10 Rodgers & Co, Sheffield  
SUMMERS, RICHARD, New Brighton, Cheshire, Esq. Dec 5 Eaton-Evans & Williams, Haverfordwest  
SWINTON, ALAN, Esq., Coldstream, N.B. Nov 15 Strathern & Blair, Edinburgh  
THOMAS, GORING, Wimpole street, Musical Composer Dec 3 Gadsden & Treherne, Bedford tow  
THOMAS, WILLIAM, Sully, Glam, Farmer Dec 20 Morris & Son, Cardiff  
TWIDDLE, JOHN, Richmond, Victoria, Warehouseman Nov 25 Sharpe & Co, New court, Carey street  
WADLEY, WILLIAM, Maise more, Glos, Farmer Nov 30 Bonnar, Gloucester  
WALLACE, SAMUEL COOK, Boscombe, nr Bournemore, Gent Nov 28 Mann & Crimp, Essex st, Strand  
WHITE, JOHN, Gloucester gardens, Hyde Park Dec 9 Ingledew & Co, St Benet chmrs, Fenchurch st  
WIDDOWSON, JAMES, Hucknall Torkard, Notts, Farmer Dec 6 Eking, Nottingham  
WILDER, JOHN, Rev, Sulham house, nr Reading, Vice-Provost of Eton College Nov 24 Dimond & Son, Wimpole st  
WILDING, JOHN, Standish, Lancs, Saddler Nov 30 Price, Wigan  
WITCOMB, THOMAS, Badgeworth, Glos, Gent Nov 30 Bonnar, Gloucester  
WITT, MATTHEW LAUGHTON, Thurston, Suffolk Nov 24 Geo Witt, care of Tansley Witt, 40, Chancery lane

## BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 21.

## RECEIVING ORDERS.

ADDISON, JOHN, Newcastle on Tyne, Warehouseman Newcastle on Tyne Pet Oct 19 Ord Oct 19  
 ANDERSON, JAMES, Birkenhead, Boot Factor Birkenhead Pet Oct 17 Ord Oct 17  
 AUBREY, ALFRED, Brynmawr, Brecknock, Licensed Victualler Tredegar Pet Oct 12 Ord Oct 17  
 BAILEY, HENRY CHARLES, Bristol, Tailor Bristol Pet Oct 19 Ord Oct 19  
 BERNHARDINE, CORPLE, New Cle, Gt Grimsby, Paperhanger Gt Grimsby Pet Oct 15 Ord Oct 15  
 BRAIL, LOUIS, and WILLIAM HENRY BRAIL, Hart st, Bloomsbury, Fine Art Publishers High Court Pet Oct 19 Ord Oct 19  
 BURNHORN, JOHN, Aberkenfig, nr Bridgend, Glam, Butcher Cardiff Pet Oct 17 Ord Oct 17  
 CAMERON, HELEN BOWEY, Liverpool, Confectioner Liverpool Pet 17 Ord Oct 17  
 CARMWELL, THOMAS, Dewsbury, Public Decorator Dewsbury Pet Oct 15 Ord Oct 15  
 CHAMPION, JOHN KNIGHT, Newquay, Cornwall, Builder Truro Pet Oct 19 Ord Oct 19  
 COOKE, GRIMWOOD, Horseshoe, Camb, Farmer Cambridge Pet Oct 17 Ord Oct 17  
 DAVIES, ELIAS, Bethesda, Carnarvonshire, Chemist Bangor Pet Oct 18 Ord Oct 18  
 DAVIS, RICHARD EDWARD, Handsworth, Staffs, Lead Light Maker Birmingham Pet Oct 17 Ord Oct 17  
 DAVISON, CHARLES AUSTIN, Kingston-upon-Hull, Draper's Assistant Kingston-upon-Hull Pet Oct 18 Ord Oct 18  
 EDWARDS, JOSEPH, Abergavenny, Mon, late Coal Merchant Tredegar Pet Oct 18 Ord Oct 18  
 ELLSWORTH, CHRISTOPHER, Tramore, Cheshire, Clerk Birkenhead Pet Oct 17 Ord Oct 17  
 ERHEDGE, ROBERT ACKERSON, Brighton, Coal Merchant Brighton Pet Oct 6 Ord Oct 18  
 FLETCHER, CHARLES, Ammanford, Llandeby, Carmarthenshire, Painter Carmarthen Pet Oct 19 Ord Oct 19  
 FLOCKS, CALER, New Swindon, Picture Frame Maker Swindon Pet Oct 17 Ord Oct 17  
 FOULDSE, CHARLES, Easthorpe, Essex, Farmer Colchester Pet Oct 19 Ord Oct 19  
 GADSBY, JOHN, Leeds, Perambulator Manufacturer Leeds Pet Oct 17 Ord Oct 17  
 GARDNER, THOMAS, Smethwick, Staffs, Lithographer Birmingham Pet Oct 18 Ord Oct 18  
 GRINDELL, WILLIAM, son, Muston, Humbley, nr Filey, Yorks, Farmer Scarborough Pet Oct 6 Ord Oct 17  
 GRINDELL, WILLIAM, Muston, Humbley, nr Filey, Yorks, Farmer Scarborough Pet Oct 6 Ord Oct 17  
 HALL, WILLIAM JOHN, Newton, nr Rothbury, Northumbld, Farmer Newcastle on Tyne Pet Oct 4 Ord Oct 18  
 HARROD, FREDERICK, Great Yarmouth, Tinsmith Great Yarmouth Pet Oct 18 Ord Oct 18  
 HELSBY, M. A., & Co, Accrington, Draper Blackburn Pet Oct 7 Ord Oct 17  
 HOSKROFT, HARRY, Brighton, Secretary to a Company Brighton Pet Aug 26 Ord Oct 17  
 HOSEY, FREDERICK, Poole, Painter Poole Pet Oct 17 Ord Oct 17  
 IVINSON, JOHN HENRY, Heckmondwike, Cab Proprietor Dewsbury Pet Oct 19 Ord Oct 19  
 JACKSON, JAMES, Great Grimsby, late Innkeeper Great Grimsby Pet Oct 4 Ord Oct 17  
 JOHNSON, JOSEPH THOMAS, Idle, Yorks, Licensed Victualler Bradford Pet Oct 19 Ord Oct 19  
 LEES, CHARLES ARTHUR, Nottingham, Lace Manufacturer Nottingham Pet Oct 19 Ord Oct 19  
 LEVISON, GEORGE SMITH, Whitehaven, Fishmonger Whitehaven Pet Oct 17 Ord Oct 17  
 LUSS, WILLIAM HENRY, Cheltenham, Lodging-house Keeper Cheltenham Pet Oct 19 Ord Oct 19  
 LUSSENDEN, LEONARD, Wolseley ter, Hanwell, Clerk in Goods Department of Great Western Railway, Paddington High Court Pet Oct 18 Ord Oct 18  
 MACKIN, JOHN, Oxford st, Jeweller High Court Pet Oct 18 Ord Oct 18  
 McLEAN, EWAN, Cardiff, Draper Neath Pet Oct 18 Ord Oct 18  
 MERRIMAN, WILLIAM HENRY, Bloxwich, nr Walsall, Commercial Traveller Walsall Pet Oct 17 Ord Oct 17  
 NOUAN, WILLIAM, Tipton, Staffs, Builder Dudley Pet Oct 17 Ord Oct 17  
 OUTRAM, WILLIAM, Rotherham, Joiner Sheffield Pet Oct 18 Ord Oct 18  
 PARKIN, GEORGE ANTHONY, York, Chemist York Pet Oct 18 Ord Oct 18  
 PEARSON, THOMAS RHODES WALTON, Horsforth, nr Leeds, Clerk in Holy Orders Leeds Pet Oct 3 Ord Oct 15  
 PEMBER, CHARLES, Princes st, Regent st, Auctioneer High Court Pet Sept 19 Ord Oct 19  
 PONSONBY, ARTHUR CORNWALLIS, Bishopsgate st, Steamship Owner High Court Pet Oct 19 Ord Oct 19  
 POWELL, JOSEPH EBENEZER, Southampton, Dissenting Minister Southampton Pet Sept 21 Ord Oct 17  
 RAWKINS, THOMAS GEORGE, Essex st, Forest Gate, Builder High Court Pet Oct 1 Ord Oct 19  
 RICHARDS, GEORGE, New Cle, Great Grimsby, Greengrocer Great Grimsby Pet Oct 17 Ord Oct 17  
 SECKE, FERDINAND, Bradford, Confectioner Bradford Pet Oct 17 Ord Oct 17  
 SIMMONS, SAMUEL JOHN CATCOTT, Wells, Somerset, Baker Wells Pet Oct 19 Ord Oct 19  
 TESTER, RICHARD, Hadlow, Kent, Boot Maker Tunbridge Wells Pet Oct 17 Ord Oct 17  
 THOMAS, JOHN, Bangor, Painter Bangor Pet Oct 17 Ord Oct 17  
 TOMLINSON, WILLIAM PRIDMORE, South Luffenham, Rutland, Coal Merchant Leicester Pet Oct 18 Ord Oct 18  
 WADE, JAMES, Wortley, nr Leeds, Engineer Leeds Pet Aug 9 Ord Oct 18  
 WELDON, THOMAS, Liverpool, Grocer, Liverpool Pet Oct 17 Ord Oct 17

WORFOLK, ISAAC, Leeds, Mercantile Clerk Leeds Pet Oct 15 Ord Oct 15  
 The following amended notice is substituted for that published in the London Gazette, Oct. 7th:—  
 BOWER, GEORGE HENRY, Leeds, Builder Leeds Pet Sept 21 Ord Oct 3

## FIRST MEETINGS.

ANDERSON, JAMES, Birkenhead, Boot Factor Nov 1 at 2 Off Rec, 35, Victoria st, Liverpool  
 ATHA, SAMUEL RHODES, Thornhill, Dewsbury, Assistant Schoolmaster Oct 28 at 4 Off Rec, Bank chmbs, Batley  
 BALE, HERBERT WILLIAM, Bradford on Avon, Boot Maker Nov 2 at 3 Off Rec, Bank chmbs, Corn st, Bristol  
 BANTER, MICHAEL, PAGEY (jun), Cheapside, Auctioneer Oct 28 at 12 Bankruptcy bldgs, Carey st  
 BOWER, GEORGE HENRY, Leeds, Builder Oct 31 at 11 Off Rec, 22, Park row, Leeds  
 BRANDT, JULES, Warwick rd, Kensington, Tutor Nov 1 at 12 Bankruptcy bldgs, Carey st  
 BUTTON, WILLIAM, New Swindon, Painter Nov 1 at 11.30 Off Rec, 32, High st, Swindon  
 CHEVALIER, E. JOHN st, West Smithfield, Provision Merchant Oct 28 at 2.30 Bankruptcy bldgs, Carey st  
 COATE, ANNIE, Milford Haven, Grocer Oct 29 at 11 Off Rec, 11, Quay st, Milford Haven  
 COHEN, HENRY, Manchester, Tailor Nov 2 at 2.30 Ogden's chmbs, Bridge st, Manchester  
 COOKS, GRIMWOOD, Horseshoe, Camb, Farmer Cambridge Pet Oct 5 Petty Curvy, Cambridge  
 CROSSE, THOMAS NEVILLE, Bedford row, Solicitor Oct 28 at 11 Bankruptcy bldgs, Carey st

DAVISON, CHARLES AUSTIN, Kingston upon Hull, Draper's Assistant Oct 29 at 10.30 Off Rec, Trinity House lane, Hull

DELVE, FANNY MARY, Woolacombe, Morthooe, Devon, Grocer Oct 31 at 2 King's Arms Hotel, High st, Barnstaple

DOWNSING, SAMUEL GEORGE, Gislingham, Suffolk, Surgeon Oct 28 at 2.45 Court House, Stowmarket

ELLSWORTH, CHRISTOPHER, Tramore, Cheshire, Clerk Oct 31 at 12 Off Rec, 35, Victoria st, Liverpool

EMERY, WILLIAM, Manchester, Packing Case Maker Nov 2 at 3 Ogden's chmbs, Bridge st, Manchester

GREEN, JOHN, Putney, Surry, Florist Oct 28 at 12.30 21, Railway app, London Bridge

GRIFFITHS, JOHN, Ambleton, Pembs, Farmer Nov 1 at 10.30 Off Rec, Bank chmbs, Corn st, Bristol

GUBB, CHARLES RICHARD, Maygrove rd, West Hampstead, Builder Oct 28 at 2.30 Bankruptcy bldgs, Carey st

HALL, WILLIAM, Worsley, Kingswinford, Staffs, Farmer Oct 29 at 10.30 Wall & James, solicitors, Stourbridge

HELSBY, MARY ANN, Accrington, Draper Oct 31 at 3.30 Off Rec, Ogden's chmbs, Bridge st, Manchester

HORTON, WILLIAM, Ormskirk, Cabinet Maker Nov 2 at 2 Off Rec, 35, Victoria st, Liverpool

HUTTON, ROBERT, Wall on Tyne, Clerk in Holy Orders Oct 28 at 12 Off Rec, Pink Lane, Newcastle on Tyne

KENNEDY, GEORGE, New Cle, Gt Grimsby, Fisherman Oct 29 at 11 Off Rec, 15, Osborne st, Gt Grimsby

LEVISON, GEORGE SMITH, Whitehaven, Fishmonger Nov 2 at 12.15 67, Duke st, Whitehaven

MITCHELL, SAMUEL THOMAS, Bridgend, Glam, Confectioner Nov 1 at 11.15 Off Rec, 29, Queen st, Cardiff

MOHAN, ELLEN, Birmingham, Fishmonger Oct 31 at 11 23, Colmore row, Birmingham

MULLEN, JOHN, Newcastle on Tyne, Cabinet Maker Oct 28 at 11.30 Off Rec, Pink Lane, Newcastle on Tyne

MUNHO, GEORGE, Barry, Glam, Grocer Oct 31 at 3 Off Rec, 29, Queen st, Cardiff

PARKIN, GEORGE ANTHONY, York, Chemist Nov 1 at 12.30 Off Rec, Stonegate, York

PEARSON, THOMAS RHODES WALTON, Horsforth, nr Leeds, Clerk in Holy Orders Nov 7 at 11 Off Rec, 22, Park Row, Leeds

PICKOP, ERNEST HAY, Leeds, Accountant Oct 31 at 3 Off Rec, 29, Park Row, Leeds

POOLE, ELLEN, Stanwell Moor Farm, Stanwell, Farmer Oct 28 at 11.30 21, Railway app, London bridge

POWELL, JOSEPH, Southampton, Dissenting Minister Oct 31 at 11.30 Off Rec, 4, East st, Southampton

PERRY, WILLIAM HENRY, Treadaw, Glam, General Dealer Oct 29 at 12 Off Rec, Merthyr Tydfil

PICKOP, ERNEST HAY, Leeds, Accountant Oct 31 at 3 Off Rec, 29, Queen st, Cardiff

POWELL, JOSEPH EBENEZER, Southampton, Dissenting Minister Oct 31 at 11.30 Off Rec, 31, Manor Row, Bradford

SELLERS, RICHARD, Kingston upon Hull, Commercial Traveller Oct 29 at 11 Off Rec, Trinity House lane, Hull

SHORT, RICHARD, Cardiff, Shipowner Oct 28 at 12 Off Rec, 29, Queen st, Cardiff

SMALLCOMBE, JOHN WILLIAM, Swansea, General Dealer Oct 29 at 12 Off Rec, 31, Alexandra rd, Swansea

SMITH, BENJAMIN, Burnley, Cattle Droyer Nov 3 at 2 Exchange Hotel, Nicholas street, Burnley

SKURRY, JOSEPH HATHOE, Catterthorpe, Licensed Victualler Oct 29 at 12 Off Rec, 11, Quay st, Carmarthen

VIDLER, GEORGE, Tunbridge Wells, Carpenter Oct 28 at 2.30 Spencer & Hother, Mount Pleasant, Tunbridge Wells

WEAVER, EDWARD, Bucklebury, Berks, Farmer Oct 28 at 12.30 Few & Drewett, Market place, Newbury

WELDON, THOMAS, Liverpool, Grocer Oct 31 at 2.30 Off Rec, 35, Victoria st, Liverpool

WOLRICH, JOHN, Brick Lane, Spitalfields, Woollen Merchant Oct 28 at 11 Bankruptcy bldgs, Carey st

WEYHAG, LOUIS HENRY, Heath st, Hampstead, Watchmaker Oct 28 at 12 Bankruptcy bldgs, Carey st

## ADJUDICATIONS.

ADDISON, JOHN, Jesmond vale, Newcastle on Tyne, Warehouseman Newcastle on Tyne Pet Oct 19 Ord Oct 19  
 ATHA, SAMUEL RHODES, Thornhill, Yorks, Assistant Schoolmaster Dewsbury Pet Oct 6 Ord Oct 17

AUBREY, ALFRED, Brynmawr, Brecknock, Licensed Victualler Tredegar Pet Oct 11 Ord Oct 18  
 BEEBEMORNE, CORPLE, New Glee, Great Grimsby, Paperhanger Great Grimsby Pet Oct 15 Ord Oct 17  
 BURNELL, JOHN, Aberkenfig, nr Bridgend, Glam, Butcher Cardiff Pet Oct 17 Ord Oct 17

CAMERON, HELEN BOWEY, Liverpool, Confectioner Liverpool Pet Oct 17 Ord Oct 17

CHAMPION, JOHN KNIGHT, New Quay, Cornwall, Builder Truro Pet Oct 19 Ord Oct 19

CLARK, WILLIAM, Dagenham, Essex, Farmer Chelmsford Pet Oct 10 Ord Oct 15

CLARKE, BRUCE CHARLES, Nottingham, Smallware Dealer Nottingham Pet Sept 30 Ord Oct 19

COLLARD, RICHARD, Hastings, Steamship Owner Hastings Pet Sept 19 Ord Oct 19

COOKE, GRIMWOOD, Horseshoe, Camb, Farmer Cambridge Pet Oct 17 Ord Oct 17

DAVIES, ELIAS, Bethesda, Carnarvonshire, Chemist Bangor Pet Oct 18 Ord Oct 18

DAVISON, CHARLES AUSTIN, Kingston upon Hull, Draper's Assistant Kingston upon Hull Pet Oct 18 Ord Oct 18

DEOMER, WILLIAM THOMAS, East Hanney, Berks, Farmer Oxford Pet Sept 10 Ord Oct 17

EDWARDS, JOSEPH, Abergavenny, Mon, late Coal Merchant Tredegar Pet Oct 18 Ord Oct 18

ELLSWORTH, CHRISTOPHER, Tramore, Cheshire, Clerk Birkenhead Pet Oct 17 Ord Oct 17

ERREB, ROBERT ACKERSON, Brighton, Coal Merchant Brighton Pet Oct 5 Ord Oct 19

FLOCK, CALER, New Swindon, Picture Frame Maker Swindon Pet Oct 17 Ord Oct 17

FOUNKE, CHARLES, Easthorpe, Essex, Farmer Colchester Pet Oct 19 Ord Oct 19

GADSBY, JOHN, Leeds, Perambulator Manufacturer Leeds Pet Oct 17 Ord Oct 17

HARRID, FREDERICK, Great Yarmouth, Tinsmith Great Yarmouth Pet Oct 18 Ord Oct 18

HILL, ALEXANDER CHARLES, Cannon st, Company Promoter High Court Pet Feb 28 Ord Oct 19

HOTTON, WILLIAM, Ormskirk, Cabinet Maker Liverpool Pet Oct 13 Ord Oct 19

HUGHES, CHARLES, formerly Provision Dealer Manchester Pet Aug 27 Ord Oct 18

IVINSON, JOHN HENRY, Heckmondwike, Cab Proprietor Dewsbury Pet Oct 19 Ord Oct 19

JONES, THOMAS, Pontypridd, Glam, Outfitter Pontypridd Pet Oct 11 Ord Oct 18

LEVISON, GEORGE SMITH, Whitehaven, Fishmonger Whitehaven Pet Oct 17 Ord Oct 17

LOCKWOOD, WILLIAM, Sheffield, Engineer Sheffield Pet Sept 15 Ord Oct 17

LUNN, WILLIAM HENRY, Cheltenham, Lodging House Keeper Cheltenham Pet Oct 19 Ord Oct 19

LUSSENDEN, LEONARD, Wolseley ter, Hanwell, Clerk in Goods Department of Great Western Railway, Paddington High Court Pet Oct 18 Ord Oct 18

McEVoy, HUGH, Liverpool, Printer Liverpool Pet June 2 Ord Oct 17

MCLEAN, EWEN, Cardiff, Draper Neath Pet Oct 18 Ord Oct 18

MITCHELL, CHARLES COCKSHOTT, Cullingworth, Yorks, late Grocer Bradford Pet Oct 8 Ord Oct 18

MOORE, WILLIAM HENRY, Manchester, Commission Agent Manchester Pet Aug 23 Ord Oct 18

MUNHO, GEORGE, Barry, Glam, Grocer Cardiff Pet Oct 1 Ord Oct 11

NORMAN, WILLIAM, Tipton, Staffs, Builder Dudley Pet Oct 17 Ord Oct 17

OGLIRES, ISAAC, York, Coal Dealer York Pet Oct 11 Ord Oct 19

OUTRAM, WILLIAM, Rotherham, Joiner Sheffield Pet Oct 18 Ord Oct 18

PARKIN, GEORGE ANTHONY, York, Chemist York Pet Oct 18 Ord Oct 18

PEARSON, BENJAMIN, Cardiff, Licensed Victualler Cardiff Pet Oct 11 Ord Oct 17

POLLICK, JAMES, Middington, Kent, Builder Greenwich Pet July 12 Ord Oct 8

POWELL, JOSEPH EBENEZER, Southampton, Dissenting Minister Southampton Pet Sept 24 Ord Oct 19

FRIED, WILLIAM MORGAN, Trecoy, Glam, Watchmaker Pontypridd Pet Oct 14 Ord Oct 18

REESER, SIMON, Manchester, Pet Dealer Manchester Pet Aug 31 Ord Oct 18

RICHARDSON, GEORGE, New Cle, Gt Grimsby, Greengrocer Gt Grimsby Pet Oct 17 Ord Oct 17

ROBERTS, ROBERT, Tyngodduch, Chwilog, Carnarvonshire, Farmer Portmadoc and Blaenau Festiniog Pet Aug 18 Ord Oct 5

ROBERTS, ROBERT, TYNGODDUCH, Chwilog, Carnarvonshire, Farmer Portmadoc and Blaenau Festiniog Pet Aug 18 Ord Oct 17

ROBERTS, ROBERT, TYNGODDUCH, Chwilog, Carnarvonshire, Farmer Portmadoc and Blaenau Festiniog Pet Aug 18 Ord Oct 17

ROTHBOR, THOMAS, Almondbury, nr Huddersfield, Nurseryman Huddersfield Pet Oct 1 Ord Oct 17

SCHWAB, GEORGE, Polden ter, Streatham Common, Builder Wandsworth Pet July 11 Ord Oct 17

SECKE, FERDINAND, Bradford, Confectioner Bradford Pet Oct 17 Ord Oct 17

SHERWOOD, WILLIAM JOHN, Edenbridge, Kent, Farmer Tunbridge Wells Pet Oct 12 Ord Oct 19

SIMMONS, SAMUEL JOHN CATCOTT, Wells, Somerset, Baker Wells Pet Oct 19 Ord Oct 19

STEVENS, GEORGE, Fairlop rd, Leytonstone, late Printer High Court Pet Aug 19 Ord Oct 19

THOMAS, DANIEL, Pontardulais, Glam, Draper Swansea Pet Sept 17 Ord Oct 17

THOMAS, JOHN, Bangor, Painter Bangor Pet Oct 17 Ord Oct 17

THOMPSON, WILLIAM, late Maygrove rd, Brondesbury, Builder High Court Pet June 28 Ord Oct 18

VIDLER, GEORGE, Tunbridge Wells, Carpenter Tunbridge Wells Pet Oct 12 Ord Oct 15

WOLGAR, GEORGE DURRANT, East Grinstead, Sussex, Ironmonger Tunbridge Wells Pet Aug 21 Ord Oct 19

WORFOLK, ISAAC, Leeds, Mercantile Clerk Leeds Pet Oct 15 Ord Oct 15

*London Gazette*—TUESDAY, Oct. 25.  
RECEIVING ORDERS.

ASHWELL, JAMES HENRY, Nottingham, Cycle Manufacturer Nottingham Pet Oct 18 Ord Oct 21  
BALME, SAMUEL, Ravensthorpe, nr Dewsbury, Medical Botanist Dewsbury Pet Oct 21 Ord Oct 21  
BECKWITH, JOHN, Liverpool, Broker Liverpool Pet Sept 15 Ord Oct 19  
BRIGHT, WILLIAM THOMAS, and SARAH LANCEY, Baron's ct rd, West Kensington, Hairdressers High Court Pet Aug 4 Ord Oct 22  
BRINDLE, JESSE, Chorley, Plumber Bolton Pet Oct 21 Ord Oct 21  
CREASBY, CALF, South Norwood, Surrey, Journeyman Wheelwright Croydon Pet Oct 20 Ord Oct 20  
DALE, FREDERICK, Hull, late Innkeeper Gt Grimsby Pet Oct 19 Ord Oct 19  
DANDRIDGE, FRANCIS, Northcourt, nr Abingdon, Berks, Farmer Oxford Pet Oct 21 Ord Oct 21  
EVERETT, ROBERT, Dorking, Surrey, Bootmaker Croydon Pet Oct 21 Ord Oct 21  
FLOWERS, SYDNEY FREDERICK, Cheltenham, Grocer Cheltenham Pet Oct 22 Ord Oct 22  
FOX, CHARLES NASH, Shoe lane, Fleet st, High Court Pet Oct 18 Ord Oct 20  
GREENWAY, THOMAS, Arlington, Glos, Bricklayer Gloucester Pet Oct 20 Ord Oct 20  
HABRI, HENRY, Blaekpool, Wine Merchant Preston Pet Oct 20 Ord Oct 20  
HELE, W. H., Gutter Lane, Manufacturer's Agent High Court Pet Oct 7 Ord Oct 21  
HELLIWELL, FRED, Pogmoor, nr Barnsley, Draper Barnsley Pet Oct 21 Ord Oct 22  
HIBBS, H. ELIAS, grocer, Gospel Oak, Provision Dealer High Court Pet Oct 4 Ord Oct 21  
HOOPER, RICHARD, Penzance, Furniture Dealer Truro Pet Oct 21 Ord Oct 21  
HOPKINS, GEORGE, Cardiff, Grocer Cardiff Pet Oct 21 Ord Oct 21  
HUDSON, PARNHAMS MARTIN BURGESS, Lancaster gate, Hyde park, Wine Merchant High Court Pet Sept 22 Ord Oct 21  
JENNINGS, RICHARD, Charlesfield, Horley, Surrey, Gent Croydon Pet July 14 Ord Oct 18  
JOHNSON, FREDERICK, the elder, and CHARLES JOHNSON, Leicester, Auctioneers Leicester Pet Oct 22 Ord Oct 22  
JONES, EVAN, Maenan, Carnarvonshire, Farmer Portmadrug, Maenan Festing Pet Oct 20 Ord Oct 20  
MUIRS, WILLIAM FENTON, Forest Hill, Kent, Commercial Traveller Greenwich Pet Oct 18 Ord Oct 18  
OLIVER, ROBERT CAMP, George st, Minories, Provision Dealer High Court Pet Oct 20 Ord Oct 20  
OSBORNE, HENRY CLARKE, Abingdon, Berks, Painter Oxford Pet Oct 19 Ord Oct 19  
PAWSLEY, REUBEN ROBERT, Cambridge rd, Bethnal Green, Grocer High Court Pet Oct 14 Ord Oct 21  
SHAW, SAM, Leicester, Furniture Dealer Leicester Pet Oct 8 Ord Oct 22  
SIMMONS, CHARLES, Granville rd, Hornsey, Traveller High Court Pet Oct 4 Ord Oct 20  
SMITH, WALTER, Mayall rd, Brixton, Butcher High Court Pet Sept 24 Ord Oct 20  
STEPHENSON, WILLIAM, and JOHN WILLIAM JACKSON, Pickering, Yorks, Fruiterers Scarborough Pet Oct 20 Ord Oct 20  
STONE, HERBERT, Clifton, Bristol, Livery Stable Keeper Bristol Pet Oct 22 Ord Oct 22  
TAYLOR, CHARLES EDWARD, Shipley, Yorks, Auctioneer Bradford Pet Oct 21 Ord Oct 21  
THURSTON, STEPHEN, New Cross, Kent, Fruiterer Greenwich Pet Oct 20 Ord Oct 20  
TINKER, CHARLES, Copenhagen st, Caledonian rd, Corn Dealer High Court Pet Oct 21 Ord Oct 21  
WALTON, ALFRED, Gt Grimsby, Fisherman Gt Grimsby Pet Oct 19 Ord Oct 20  
WHITE, HERBERT, Doncaster, Wholesale Butcher Sheffield Pet Oct 6 Ord Oct 20  
WILLIAMS & SONS, late Bank bldgs, Wimbledon, Upholsterers High Court Pet 16 Ord Oct 20  
WOODLAND & JOHNSON, Leicester, Boot Manufacturers Leicester Pet Oct 7 Ord Oct 21

The following amended notice is substituted for that published in the London Gazette, Oct. 11:—

DERBYSHIRE, JOHN, the younger, Birdwell, nr Barnsley, Colliery Engineer Barnsley Pet Oct 6 Ord Oct 6

The following amended notice is substituted for that published in the London Gazette, Oct. 21:—

MERRIMAN, WILLIAM HENRY, Bloxwich, nr Walsall, Commercial Traveller Walsall Pet Oct 17 Ord Oct 17

FIRST MEETINGS.

AUBREY, ALFRED, Brynmawr, Brecknock, Licensed Victualler Nov 3 at 12 Off Rec, Merthyr Tydfil

BALY, HENRY CHARLES, Bristol, Tailor Nov 2 at 3.15 Off Rec, Bank chmbs, Corn st, Bristol

BAYNHAM, CHARLES, Bridgwater, Glos, Licensed Victualler Nov 2 at 11 Off Rec, 29 Queen st, Cardiff

BINDER, JOSEPH WILLIAM, Bromley, Kent, Bank Clerk Nov 1 at 12.30 21, Railway app, London Bridge

BRINDLE, JESSE, Chorley, Plumber Nov 3 at 11 16, Wood st, Bolton

CAMERON, HELEN BOWER, Liverpool, Confectioner Nov 9 at 2.30 Off Rec, 35, Victoria st, Liverpool

CARDWELL, THOMAS, Dewsbury, Public Decorator Nov 1 at 3 Off Rec, Bank chmbs, B tley

CHAMPION, JOHN KNIGHT, Newquay, Cornwall, Builder Nov 2 at 12 Off Rec, Boscombe st, Truro

CLARK, WILLIAM, Dagenham, Essex, Farmer Nov 1 at 3 Off Rec, 55, Temple chmbs, Temple avenue

CLIMSON, WILLIAM, and ARTHUR CLIMSON, Cheshire, Bucks, Boot Dealers Nov 1 at 12 1, St Aldate's, Oxford

DALE, FREDERICK, Hull, late Innkeeper, Nov 2 at 10.30 Off Rec, 15, Osborne st, Great Grimsby

DAVIES, ELIAS, Bethesda, Carnarvonshire, Chemist Nov 2 at 12 Crypt chmbs, Chester

DAY, THOMAS, Egerton, Kent, Farmer Nov 4 at 10 Off Rec, 73, Castle st, Canterbury

DERBYSHIRE, JOHN, the younger, Birdwell, nr Barnsley, Colliery Engineer Nov 4 at 11.15 Off Rec, 3, Back Regent st, Barnsley

EANT, MARGARET, Upper North st, Poplar, Mineral Water Manufacturer Nov 2 at 11 Bankruptcy bldgs, Carey st

EVANS, OWEN WILLIAM, Carnarvon, Grocer Nov 1 at 2.15 Crypt chmbs, Chester

FLOCKS, CALF, New Swindon, Picture Frame Maker Nov 4 at 12 Off Rec, 32, High st, Swindon

FRANK, LAWRENCE, Cardiff, Auctioneer Nov 2 at 12 Off Rec, 29, Queen st, Cardiff

HILL, JOHN, Middlesbrough, retired Builder Nov 2 at 3 Off Rec, 8, Albert rd, Middlesbrough

HOOD, ALFRED, Bethnal green rd, Builder Nov 2 at 12 Bankruptcy bldgs, Carey st

HORSEY, FREDERICK, Parkstone, Poole, Painter Nov 2 at 12.30 Central Hotel, Bournemouth

JARVIN, LEONARD, Lane end, nr High Wycombe, Bucks, Chair Manufacturer Nov 1 at 4.15 1, St Aldate's, Oxford

JENKINS, HENRY DIX, Cambridge rd, Teddington, Gent Nov 3 at 12.30 24, Railway app, London bridge

JENKINS, HENRY EDWARD, Cambridge rd, Teddington, retired Grocer Nov 3 at 11.30 24, Railway app, London bridge

JENKINS, JOHN, Malthouse, Alltwen, Pontardawe, Labourer Nov 1 at 12 Off Rec, 31, Alexandra rd, Swansea

JOHNSON, JOSEPH THOMAS, Idle, Yorks, Licensed Victualler Nov 2 at 11 Off Rec, 31, Manor row, Bradford

JONES, THOMAS, Pontypridd, Glam, Outfitter Nov 1 at 12 Off Rec, Merthyr Tydfil

KITCHING, ELIZABETH, Bournemouth, Boarding house keeper Nov 1 at 12.15 Pembroke Hotel, Bournemouth

LEES, CHARLES ARTHUR, Nottingham, Lace Manufacturer Nov 1 at 11 Off Rec, St Peter's Church Walk, Nottingham

LEYLAND, JOHN, Lea Green, nr St Helen's, Colliery Fireman Nov 2 at 3 Off Rec, 35, Victoria st, Liverpool

LUSSENDEN, LEONARD, Wolsey ter, Hanwell, Clerk in Goods Department of Gt Western Railway, Paddington Nov 2 at 12 Bankruptcy bldgs, Carey st

MARCUS, JOHN, Oxford st, Jeweller Nov 1 at 2.30 Bankruptcy bldgs, Carey st

MCLAREN, EWAN, Cardiff, Draper Nov 2 at 12 Off Rec, 31, Alexandra rd, Swansea

MERRIMAN, JOHN CALMORE, Birmingham, General Dealer Nov 3 at 11 23, Colmore row, Birmingham

MERRIMAN, WILLIAM HENRY, Bloxwich, nr Walsall, Commercial Traveller Nov 10 at 11.30 Off Rec, Walsall

PENNEY, ARTHUR PEARSON, Rüssley, nr Bishopstone, Wilts, Owner of Race Horses Nov 4 at 2.30 Off Rec, 32, High st, Swindon

PONSONBY, ARTHUR CORNWALLIS, Bishopsgate st, Steamship Owner Nov 3 at 2.30 Bankruptcy bldgs, Carey st

POOLES, ROBERT, Boston, Grocer Nov 3 at 12 Off Rec, 48, High st, Boston

PRICE, WILLIAM MORGAN, Treorkey, Glam, Watchmaker Nov 1 at 3 Off Rec, Merthyr Tydfil

SIMMONS, SAMUEL JOHN CAVOTT, Wells, Somerset, Baker Nov 2 at 3.30 Off Rec, Bank chmbs, Bristol

THOMAS, JOHN, Bangor, Painter Nov 1 at 3 Crypt chmbs, Chester

TONNISON, WILLIAM PRIDMORE, South Luffenham, Rutland, Coal Merchant Nov 1 at 12.30 Off Rec, 31, Friar lane, Leicester

WELCH, ANNIE MARIA, Hanley, Earthenware Manufacturer Nov 2 at 11.15 Off Rec, Newcastle under Lyne

WILKINSON, ROBERT, Leeds, Wine Seller Nov 2 at 11 Off Rec, 22, Park row, Leeds

WOODLAND & JOHNSON, Leicester, Boot Manufacturers Nov 4 at 12.30 Off Rec, 34, Friar lane, Leicester

## ADJUDICATIONS.

BALME, SAMUEL, Ravensthorpe, nr Dewsbury, Medical Botanist Dewsbury Pet Oct 21 Ord Oct 21

BOWER, GEORGE HENRY, Leeds, Builder Leeds Pet Sept 21 Ord Oct 18

BRINDLE, JESSE, Chorley, Plumber Bolton Pet Oct 21 Ord Oct 21

DALE, FREDERICK, Hull, late Innkeeper Gt Grimsby Pet Oct 18 Ord Oct 19

DANDRIDGE, FRANCIS, Northcourt, nr Abingdon, Berks, Farmer Oxford Pet Oct 21 Ord Oct 21

DERBYSHIRE, JOHN, the younger, Birdwell, nr Barnsley, Colliery Engineer Barnsley Pet Oct 6 Ord Oct 21

DAVIS, RICHARD EDWARD, Hanwell, Staffs, Lead Light Maker Birmingham Pet Oct 17 Ord Oct 22

FLOWERS, SYDNEY FREDERICK, Cheltenham, Grocer Cheltenham Pet Oct 22 Ord Oct 22

FOOKES, ELI, Southsea, Coal Merchant Portsmouth Pet Oct 6 Ord Oct 13

GARNETT, WILLIAM, Landport, Secretary of Ferrumite Co Portsmouth Pet Sept 28 Ord Oct 19

GRIFFITHS, JOHN, Ambleston, Pembs, Farmer Pembroke Dock Pet Oct 4 Ord Oct 19

GREENWAY, THOMAS, Arlingham, Glos, Bricklayer Gloucester Pet Oct 20 Ord Oct 20

HELLIWELL, FRED, Pogmoor, nr Barnsley, Draper Barnsley Pet Oct 22 Ord Oct 22

JOHNS, REES, Blaenarvon, Glam, Tailor Cardiff Pet Oct 12 Ord Oct 20

JOHNSON, FREDERICK, the elder, and CHARLES JOHNSON, Leicester, Auctioneers Leicester Pet Oct 21 Ord Oct 21

JOHNSON, JOSEPH THOMAS, Idle, Yorks, Licensed Victualler Bradford Pet Oct 19 Ord Oct 21

JONES, EVAN, Maenan, Carnarvonshire, Farmer Portmadoc and Maenan Festing Pet Oct 19 Ord Oct 20

KITCHING, ELIZABETH, Bournemouth, Boarding house keeper Poole Pet Oct 12 Ord Oct 18

LEES, CHARLES ARTHUR, Nottingham, Lace Manufacturer Nottingham Pet Oct 19 Ord Oct 19

LEYLAND, JOHN, Lea Green, nr St Helen's, Colliery Fireman Liverpool Pet Oct 21 Ord Oct 21

LOWFDES, GEORGE ARTHUR, Prestwood, Densmore, Staffs, Farm Labourer Burton on Trent Pet Oct 11 Ord Oct 19

MERRIMAN, WILLIAM HENRY, Bloxwich, nr Walsall, Commercial Traveller Walsall Pet Oct 17 Ord Oct 21

MORGAN, FRANCIS HENRY, Slimbridge, Glos, Farmer Gloucester Pet Sept 27 Ord Oct 20

OLIVER, ROBERT CAMP, George st, Minories, Provision Merchant High Court Pet Oct 20 Ord Oct 20

OSBORN, HENRY CLARKE, Abingdon, Berks, Painter Oxford Pet Oct 18 Ord Oct 19

POTTS, ARTHUR, late of Bristol, Solicitor Bristol Pet Sept 1 Ord Oct 20

SOUTHWOOD, WILLIAM, Dawlish, Devon, Draper Exeter Pet Sept 30 Ord Oct 21

STEPHENSON, WILLIAM, and JOHN WILLIAM JACKSON, Pickering, Yorks, Fruiterers Scarborough Pet Oct 20 Ord Oct 20

TAYLOR, CHARLES EDWARD, Shipley, Yorks, Auctioneer Bradford Pet Oct 21 Ord Oct 21

TAYLOR, HENRY PAUL, Ryde, I W, Egg Merchant Ryde Sept 9 Ord Oct 4

TESTER, RICHARD, Hadlow, Kent, Bootmaker Tunbridge Wells Pet Oct 15 Ord Oct 20

THURSTON, STEPHEN, New Cross, Kent, Fruiterer Greenwich Pet Oct 18 Ord Oct 20

TINKER, CHARLES, Copenhagen st, Caledonian rd, Corn Dealer High Court Pet Oct 21 Ord Oct 21

WALTON, ALFRED, Great Grimsby, Fisherman Gt Grimsby Pet Oct 19 Ord Oct 20

## SALE OF ENSUING WEEK.

Nov. 3.—MESSRS. H. E. FOSTER & CRANFIELD, at the Mart, E.C., at 2 o'clock, Reversions, Life Interests, and Graphic Shares (see advertisement, this week, p. 4).

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## THE COUNTY COURT RULES, 1892.

These rules may be cited as the County Court Rules, 1892, or each rule may be cited as if it had been one of "The County Court Rules, 1889," and had been numbered therein by the number of the Order and Rule placed in the margin opposite each of these Rules.

An Order and Rule referred to by number in these Rules shall mean the Order and Rule so numbered in "The County Court Rules, 1889."

These Rules shall be read and construed as if they were contained in the County Court Rules, 1889. The forms in the Appendix shall be used as if they were contained in the Appendix to the County Court Rules, 1889, and when it is so expressed shall be used instead of the corresponding form contained in such last-mentioned Appendix. Forms 110, 153, and 154 in such Appendix are hereby annulled.

Where any Rule or form hereby annulled is referred to in any of the County Court Rules, 1889, or the Appendix thereto, the reference to such Rule or form shall be construed as referring to the Rule or form hereby prescribed to be used in lieu thereof.

## ORDER II.—OFFICERS.

Order II., Rule 10 is hereby annulled and the following Rule 10a shall stand in lieu thereof:

1. *Order II. Rule 10a. Searches and payment out of court.*] The registrar shall allow searches to be made, and shall pay out upon demand, in cash if required, the money to which suitors are entitled, on such proof of title thereto as is prescribed by Order IX., Rule 18, on three days at the least in each week, such days to be fixed by the registrar from time to time, with the approbation of the Judge, and to be printed or written on the plaint note. For the purpose, however, of enabling the registrar to furnish the list of balances in the ledgers according to the requirements of the Commissioners of Her Majesty's Treasury, no searches shall be made or money paid out of Court during one week in each year, provided that due notice of such week shall have been affixed in some conspicuous place in the office of the registrar a month beforehand.

2. *Order II. Rule 21a. Service when defendant has removed to a new address within the district.*] When the bailiff to whom a summons has been delivered for service shall ascertain that the defendant has removed from the address given on the summons to some other address within the district, it shall be his duty to effect service of the summons as if the actual address had been given on the summons, and to endorse the new address upon the copy retained by him.

Order II., Rule 23, is hereby annulled, and the following Rule 23a shall stand in lieu thereof:

3. *Order II. Rule 23a. Notice of non-service to be given. Form 12a.*] Where an ordinary summons or judgment summons required to be served in a home district has not been served, the high bailiff shall forthwith give notice to the plaintiff of the fact of such non-service according to the form in the Appendix.

4. *Order II. Rule 25a. Service by bailiff of foreign Court.*] Where a judgment summons is required to be served in a foreign district, the high bailiff of that district shall, three clear days at least before the return day, transmit the copy thereof to the registrar of the home Court duly indorsed and signed by the bailiff (who shall name the Court of which he is a bailiff), and also the summons itself when not served.

Order II., Rule 26, is hereby annulled, and the following Rule 26a shall stand in lieu thereof:

5. *Order II. Rule 26a. Where return of service to home Court is not made, foreign bailiff may be ordered to pay costs. Form 175. Form 176.*] Where the high bailiff of a foreign Court neglects to return to the registrar of the home Court the copy of an ordinary or a judgment summons as required by the two last preceding rules, the Judge of the home Court may, upon evidence of such summons having been posted to the high bailiff of the foreign Court, direct notice, according to the form in the Appendix, to be given to such high bailiff that the said Judge will on a day to be mentioned, unless such high bailiff show cause to the contrary, make an order directing such high bailiff to pay to the plaintiff such sum as the Judge may think reasonable, as compensation for any loss of time and expense which may have been caused to the plaintiff by such neglect, and if on the day mentioned the Judge shall make any order for payment by such high bailiff a memorandum of such order shall be made in the minute book, and the registrar of the home Court shall transmit to the high bailiff of the foreign Court a notice thereof according to the form in the Appendix and if the high bailiff shall not remit to the registrar of the home Court the sum directed by the order to be paid, the registrar shall transmit to the treasurer of the foreign Court a copy of the notice, certifying thereon the neglect of the high bailiff to pay the money as required, and the treasurer shall deduct such sum from any payment he may thereafter make to the high bailiff.

## ORDER III.—PARTIES.

Order III., Rules 13, 14, 15, and 16 are hereby annulled, and the following rules shall stand in lieu thereof:

## Partners.

6. *Order III. Rule 13a. Co-partners may sue and be sued in the name of their firm.*] Any two or more persons claiming or being liable as co-partners may sue or be sued in the name of the respective firms, if any, of which such persons were co-partners at the time of the accruing of the cause of action; and in any such case on application by any party to the action the registrar may order a statement of the names of the persons who were at

the time of the accruing of the cause of action co-partners in any such firm, to be furnished in such manner, and verified on oath or otherwise, as the registrar may direct.

7. *Order III. Rule 14a. Application for names of firm in an action by a firm.*] Where an action is brought by partners in the name of their firm the plaintiffs or their solicitors shall, on demand made in writing by or on behalf of any defendant, forthwith send by post to the defendant so applying and to the registrar the names and places of residence of all the persons constituting the firm on whose behalf the action is brought. And if the plaintiffs or their solicitors shall fail to comply with such demand, all proceedings in the action may, upon an application for that purpose, be stayed upon such terms as the Judge may direct, or the Judge at the trial may adjourn the hearing on such terms as he may think fit. And when the names of the partners are so declared, the action shall proceed in the same manner and the same consequences in all respects shall follow as if they had been named as the plaintiffs in the summons. But all the proceedings shall, nevertheless, continue in the name of the firm.

8. *Order III. Rule 16a. Where business is carried on by one person.*] Any person carrying on business in a name or style other than his own name may be sued in such a name or style as if it were a firm name, and so far as the nature of the case will permit, all the provisions of these rules relating to proceedings against firms shall apply.

## ORDER V.—COMMENCEMENT OF ACTION.

Order V., Rules 4 and 9, are hereby annulled, and the following Rules shall stand in lieu thereof:

9. *Order V. Rule 4a. Entry of plaint.*] No plaint shall be entered without the party desiring to enter the same filing a praecipe for that purpose, such praecipe shall contain (a) the Christian name and surname, description, and residence or place of business of the plaintiff, (b) the surname, and, subject to the provisions of Rule 9a of this Order, the residence or place of business of the defendant, and (where known) his Christian name and description, the number of his house or place of business, and the name of the street in which it is situate, (c) where the defendant's Christian name is not known, a statement whether the defendant is a male or a female, and whether, if a female, she is married or single, (d) a short statement of the cause of action, or remedy or relief sought, and the amount of the debt or damages claimed: Provided that where the intended plaintiff is illiterate and unable to furnish the required information in writing, such praecipe shall be filled up by the registrar's clerk. If the plaint be entered by a solicitor, he shall state in such praecipe his name and place of business.

10. *Order V. Rule 9a. Leave under 51 & 52 Vict. c. 43 s. 74. Form 14a.*] Where leave to enter plaint under section 74 of the Act is required, an application shall be made upon the affidavit of the plaintiff, or of some person on his behalf who has knowledge of the facts, according to the form in the Appendix. The affidavit shall be lodged with the registrar together with a copy of the same for each defendant. The Judge or registrar shall duly consider the facts disclosed by the affidavit, and exercise his discretion in each case as to the grant or refusal of leave in accordance with the circumstances; and where the plaintiff is the assignee of a debt, shall in particular consider whether the proposed place of trial is less convenient to the defendant than it would have been had the debt not been assigned, and if he shall be of opinion that it will, shall refuse leave. Every order granting leave under this rule shall be signed by the registrar in his own handwriting at the foot of the affidavit. The summons may be issued, although the plaintiff cannot give the present place of residence or of business of the defendant; but in that case the defendant shall be served personally, wherever in England or Wales he may be met with.

## ORDER VI.—PARTICULARS AND STATEMENT OF CLAIM.

Order VI., Rules 1 and 10 are hereby annulled, and the following Rules shall stand in lieu thereof:

11. *Order VI. Rule 1a. Particulars to be filed.*] Subject to the provisions of these Rules, the plaintiff shall at the time of the entry of the plaint in every action file particulars of his claim or demand, in which he shall specify the cause of action in respect of which the action is brought, as well as the pecuniary or other claim which he seeks to establish; but this Rule shall not apply where the action is brought by ordinary summons for debt or damages only, and the same do not exceed forty shillings. Where the claim or demand exceeds fifty pounds, and the plaintiff desires to abandon the excess, the abandonment of the excess shall be entered at the end of the particulars.

12. *Order VI. Rule 10a. Signature to particulars by solicitor or clerk.*] Where a plaintiff sues by solicitor the particulars must be signed by the solicitor in his own name or that of his firm, and he shall state thereon his place of business and where he will accept service of proceedings in the action or matter on behalf of the plaintiff, otherwise the costs of entering the plaint by solicitor shall not be allowed. Provided that the clerk of a solicitor, if duly authorised, may sign the particulars on behalf of, and in the name of, his master.

## ORDER VII.—PLAINT NOTE AND SUMMONS.

Order VII., Rules 3, 9, 12, 13, 25, 31, and 33, are hereby annulled, and the following Rules shall stand in lieu thereof, and Rule 28 is hereby annulled:

13. *Order VII. Rule 3a. Where issued by leave. 51 & 52 Vict. c. 43. s. 74. Form 14a.*] Where leave is granted under the provisions of section 74 of the Act to issue either an ordinary or a default summons for service out

of the district, the copy affidavit mentioned in Order 5, Rule 9a, with a copy thereon of the order granting leave, shall be annexed to the summons and served therewith.

14. *Order VII. Rule 9a. Mode of service of an ordinary summons.*] Service of an ordinary summons may be effected by delivering the same to the defendant personally, or to some person, apparently not less than 16 years old, at the house or place of dwelling, or place of business, of the defendant, or by service in the manner prescribed by Rules 9c to 24 (both inclusive) of this order, or under an order for substituted service as prescribed by Order LI., Rule 6. Provided that a "place of business" for the purposes of this rule shall not be deemed to be the place of business of the defendant unless he shall be the master or one of the masters thereof.

15. *Order VII. Rule 9b. Where summons left with person not less than 16 years old.*] Where pursuant to the last preceding rule service of an ordinary summons has been effected by delivery to some person apparently not less than 16 years old at the house or place of dwelling or place of business of the defendant, and the defendant does not appear, in person or by his solicitor or agent, on the return-day, the action shall not proceed if the Court is satisfied, on the evidence before it, that the service of such summons did not come to the knowledge of the defendant before the return-day. The Court may in such case, or if in doubt, either adjourn the action for hearing on a future day or may strike it out, or order a successive summons to issue as to it may seem just.

16. *Order VII. Rule 9c. Service on solicitor.*] Where a solicitor represents to the bailiff that he is authorised to accept service on behalf of a defendant, it shall be sufficient service to deliver the summons to such solicitor, provided that such solicitor shall, at the time of such delivery, endorse upon the copy of the summons retained by the bailiff a memorandum that he accepts service thereof on behalf of the defendant.

17. *Order VII. Rule 12a. Service on partners.*] Where persons are sued as partners in the name of their firm, the summons shall be served either upon any one or more of the partners, or at the principal place of the partnership business in England or Wales upon any person having or appearing to have at the time of service the control or management of the business there, and, subject to these rules, such service shall be deemed good service on the firm so sued: provided that in the case of a co-partnership which has been dissolved to the knowledge of the plaintiff before the commencement of the action, the summons shall be served upon every person sought to be made liable.

18. *Order VII. Rule 13a. Service where person carries on business in name or style of a firm.*] Where one person carrying on business in a name or style other than his own name is sued in such name or style as if it were a firm name, the summons may be served at the principal place of business of such person, in England or Wales, upon any person having or appearing to have at the time of service the control or management of the business there; and such service, if sufficient in other respects, shall be deemed good service on the person so sued.

19. *Order VII. Rule 31a. Where service made otherwise than by bailiff. Form 21. Form 22.*] Where a default summons has been served otherwise than by a bailiff, or where an order for leave to proceed as if personal service had been effected has been made the plaintiff shall, at or before the time of entering up judgment, transmit or deliver for filing to the registrar of the Court issuing such summons a copy thereof, together with an affidavit of the service thereof according to the form in the Appendix or the original order for leave to proceed as if personal service had been effected, as the case may be. Provided that this rule shall not apply if the defendant has given notice of defence or of admission of the debt.

20. *Order VII. Rule 33a. Limitation of time for signing judgment on default summons.*] Where after service of a default summons has been effected on any defendant, no notice of intention to defend has been given by him, or leave to defend has not been obtained, and two months shall have expired from the date of service, judgment shall not be entered against such defendant.

#### ORDER IX.—DISCONTINUANCE, CONFESSION, ADMISSION AND PAYMENT INTO OR OUT OF COURT.

21. *Order IX. Rule 22. Orders as to moneys in Court or invested under last rule.*] When any moneys have been paid into Court or invested pursuant to the order of the Judge under the last preceding rule, it shall not be necessary that applications in regard to them shall be made by petition. Any person interested may apply in person to the Judge or registrar, and he, on such evidence of right and identity as he may think necessary, may make such order as he may deem to be just.

#### ORDER X.—SPECIAL DEFENCES.

Order X., R. 18, is hereby annulled, and the following Rule 18a shall stand in lieu thereof, and Rules 23 and 24 are hereby annulled:

22. *Order X. Rule 18a Statutory defence.*] When in any action the defendant relies upon any statutory defence or any defence of which he is required by any statute to give notice, he shall in his statement set forth the year, chapter, and section of the statute, or the short title thereof, and the particular matter upon which he relies.

#### ORDER XII.—INTERLOCUTORY AND INTERIM ORDERS AND PROCEEDINGS.

Order XII., R. 11, is hereby annulled, and the following Rule shall stand in lieu thereof:

23. *Order XII. Rule 11a. Practice on interlocutory applications.*] Where by any statute or by these rules any interlocutory application is expressly or by reasonable intendment directed to be made to the Judge, or to the Judge or registrar, or to the registrar, then, subject to the provisions of the particular statute or of the particular rule applicable thereto, and so far as

the same shall not be inconsistent therewith, the following provisions shall apply:

- (1.) The application may be made *ex parte* and either in or out of Court;
- (2.) No affidavit in support shall be necessary, but the Judge or registrar, as the case may be, may, if he shall think fit, adjourn the hearing of the application and order affidavits in support to be filed;
- (3.) The Judge or registrar upon the hearing or adjourned hearing of the application may make an order absolute in the first instance, or to be absolute at any time to be ordered by him, unless cause be shown to the contrary, or may make such other order or give such directions as may be just;
- (4.) The allowance of the costs of and incident to the application shall be in the discretion of the Judge or registrar. No such costs shall be allowed on taxation without special order;
- (5.) The taxation of costs, when allowed, shall not take place until the general taxation of the costs of the action or matter in which the application is made, or the action or matter is determined, unless the Judge or registrar on the hearing of the application shall for good cause otherwise order;
- (6.) When an earlier taxation is ordered, the word "recovered," wherever it occurs in the scales, shall be deemed for the purposes of taxation, to mean "claimed," and Column B. shall apply to all cases exceeding twenty pounds to the exclusion of Column C.:

When the application may under the particular statute or rule be and is made to the registrar the following additional provisions shall apply:

- (7.) The registrar may, if in doubt as to the proper order to be made, refer the matter to the Judge forthwith or at the next Court day or at the trial;
- (8.) The Judge may vary or rescind any order made by the registrar, and may make such order as may be just, and if necessary adjourn the trial.

#### ORDER XIX.—AFFIDAVITS.

Order XXIX. Rule 2a. *Sources of knowledge to be stated.*] Order XIX., Rule 2, is hereby annulled, and the following Rule shall stand in lieu thereof:

24. All affidavits, other than those for which forms are given in the Appendix, shall state the deponent's occupation, quality, and place of residence, and also what facts or circumstances deposed to are within the deponent's own knowledge, and his means of knowledge, and what facts or circumstances deposed to are known to, or believed by him by reason of information derived from other sources than his own knowledge, and what such sources are.

#### ORDER XXIII.—JUDGMENTS AND ORDERS.

Order XXIII., Rules 6, 8, and 9, are hereby annulled, and the following Rules shall stand in lieu thereof:

25. *Order XXIII. Rule 6a. Order on a default summons not to be served.*] Where judgment is entered up against a party served with a default summons no order shall be drawn up or served unless the judgment is for payment by instalments.

26. *Order XXIII. Rule 8a. Order for payment 51 & 52 Vict. c. 43. s. 105.*] All moneys payable under ordinary judgments shall be paid within fourteen days from the date of the judgment unless the Court at the time of giving judgment otherwise orders. Where judgment is given for payment by instalments, such instalments shall be payable at such periods as the order shall direct; and if no period be mentioned, the first shall become due on the twenty-eighth day from the day of making the order, and every successive instalment shall become due at a like period of twenty-eight days from the day of the previous instalments becoming due; and such instalments shall be paid into Court in accordance with section one hundred and five of the Act.

27. *Rule 9a. Notice of payments into Court. Form 38a.*] The registrar shall give notice to the plaintiff by post, according to the form in the Appendix, of every payment made into Court, whether by instalments or otherwise, or whether in pursuance of an order or not, where the payment exceeds ten shillings.

#### ORDER XXV.—ENFORCEMENT OF JUDGMENTS AND ORDERS.

Order XXV., R. 3 is hereby annulled and the following Rule 3a shall stand in lieu thereof:

28. *Order XXV. Rule 3a. Where difficulty arises in execution.*] In case of any judgment or order other than for the recovery or payment of money, if any difficulty shall arise in or about the execution or enforcement thereof, any party interested may apply to the Judge or registrar, and the Judge or registrar may make such order thereon for the attendance and examination of any party or otherwise as may be just.

29. *Order XXV. Rule 8a. Applications for charging order against interest of partner. 53 & 54 Vict. c. 39. s. 23.*] Applications under section 23 of the Partnership Act, 1890, by a judgment creditor of a partner for an order charging his interest in the partnership property and profits, and for such other orders as are thereby authorised to be made shall be made to the Judge or registrar on notice. Such notice shall be served in the case of a partnership other than a cost book company on the judgment debtor and on his partners, or such of them as are in England or Wales, or in the case of a cost book company on the judgment debtor and the purser of the company; and such service shall be good service on all the partners or on the cost book company as the case may be, and all orders made on such application shall be similarly served.

30. *Order XXV. Rule 8b. Applications by partners under 53 & 54 Vict. c. 39, s. 23.*] Every application which shall be made by any partner of the judgment debtor under section 23 of the Partnership Act, 1890, shall be made to the Judge or registrar on notice. Such notice shall be served in the case of a partnership other than a cost book company on the judgment creditor and on the judgment debtor, and on such of the other partners as shall not concur in the application and as shall be in England or Wales, or in the case of a cost book company on the judgment creditor and on the judgment debtor and on the purser of the company, and such service shall be good service on all the partners or on the cost book company as the case may be, and all orders made on such application shall be similarly served.

Order XXV., Rules 9 and 10, are hereby annulled, and the following Rules 9a and 10a shall stand in lieu thereof:

31. *Order XXV. Rule 9a. When leave required for issue of execution. Form 115a, 115b, 228.*] In the following cases, viz.:—

(1.) Where any change has taken place after judgment by death, assignment, or otherwise, in the parties entitled to take proceedings to enforce the judgment or order, or in the parties liable to such proceedings;

(2.) Where a husband is entitled or liable to proceedings upon a judgment or order for or against a wife;

(3.) Where a party is entitled to execution against any of the shareholders of a joint stock company upon a judgment recorded against such company, or against a public officer or other person representing such company;

the party alleging himself to be entitled to enforce the judgment or order may apply on affidavit to the Judge or registrar for leave to issue the necessary process accordingly. And such Judge or registrar may, if satisfied that the party so applying is entitled to issue such process make an order to that effect, or may order that any issue or question necessary to determine the rights of the parties shall be tried in any of the ways in which any question in an action may be tried. And in either case such Judge or registrar may impose such terms as to costs or otherwise as shall be just.

32. *Order XXV. Rule 10a. Service of order.*] Any order made under the last preceding Rule ex parte shall be drawn up and served by post or otherwise on the persons to be affected thereby, and proceedings thereon shall not issue until six clear days at least after the service of the order.

33. *Order XXV. Rule 12a. Application for private sale. 46 & 47 Vict. c. 52, s. 145. 53 & 54 Vict. c. 71, s. 12. Form 169a.*] (1.) Every application under section 145 of the Bankruptcy Act, 1883, and section 12 of the Bankruptcy Act, 1890, for an order that a sale under an execution may be made otherwise than by public auction shall be made to the Judge or registrar on notice in writing in the form in the Appendix, stating shortly the grounds of the application.

(2.) *High bailiff to deliver list of executions to applicant.*] The high bailiff shall on the demand of any applicant desirous of making such application as aforesaid deliver to him a written list of the names and addresses of every person at whose instance any warrant or writ of execution against the goods of the debtor has been lodged with him.

(3.) *Service of notice of application.*] The notice shall be served four clear days at least before the day appointed for the hearing of the application on the high bailiff and on every person named in such list as aforesaid other than the applicant.

(4.) *High bailiff's list to be produced.*] On the hearing of the application the applicant shall produce such list as aforesaid to the Judge or registrar.

(5.) *Persons who may appear on application.*] Every person upon whom the notice is served may attend the hearing and be heard in opposition to or in support of the application, and the Judge or registrar may on the hearing direct that all or any part of the costs may be borne by any of the persons attending on otherwise as may be just.

34. *Order XXV. Rule 12b. Costs of warrants.*] Costs of warrants, whether executed or unexecuted or unproductive, shall be allowed against the defendant, unless the Judge shall otherwise direct.

35. *Order XXV. Rule 12c. Possession fees.*] No possession fee shall be payable where an execution is paid out at the time of the levy; but if the bailiff shall necessarily remain in possession more than half an hour, and the execution shall be paid out on the day of levy, the possession fee for that day shall be charged.

36. *Order XXV. Rule 12d. Appraisement.*] No appraisement is to be made until the fifth day of the bailiff's holding possession of the goods under an execution, unless the goods are of a perishable nature, or are sold at the request of the party before the expiration of four days, or are removed.

Order XXV., Rule 14, is hereby annulled, and the following Rule 14a shall stand in lieu thereof:

37. *Order XXV. Rule 14a. Application for leave for a judgment summons to issue out of the district. Form 52a, 51 & 52 Vict. c. 43, s. 84.*] Where a debtor does not dwell or carry on business and is not employed within the district of the Court in which the judgment was obtained, the summons shall not be issued from that Court without the leave of the Judge. The application for leave shall be made upon affidavit according to the form in the Appendix, and leave shall not be granted unless the Judge is satisfied that the evidence afforded by such affidavit if uncontradicted would justify the making of an order of commitment against the debtor. If the leave be granted a copy of the affidavit shall be lodged with the registrar and annexed to the judgment summons and served therewith. The districts of the Courts referred to in section eighty-four of the Act shall be deemed to be one district, so far as relates to the issuing of judgment summonses.

Order XXV., Rules 20 and 32, are hereby annulled, and the following Rules 20a and 32a shall stand in lieu thereof:

38. *Order XXV. Rule 20a. Successive judgment summons. Form 52b.*] Where a judgment summons has not been served in due time by a bailiff, a successive summons may be issued without fee at any time within three months; but if such successive summons is not served in due time, no further successive summons shall be allowed, but a fresh summons may be issued on payment of the fee. Any successive or subsequent judgment summons may be served by such person as the Judge or registrar may direct. If not served by bailiff, an affidavit of service in the form in the Appendix by the person who actually effected service must be lodged with the registrar before the return day.

39. *Order XXV. Rule 32a. Certificate that an order of administration has been made. 46 & 47 Vict. c. 52, s. 122. Form 59.*] For the purpose of the three last preceding rules the registrar of the Court in which an order for the administration of a debtor's estate has been made under the provisions of section one hundred and twenty-two of the Bankruptcy Act, 1883, shall, upon the application of the debtor, issue to him a certificate according to the form in the Appendix.

40. *Order XXV. Rule 38a. No costs to solicitors on judgment summonses.*] No costs shall be allowed to a solicitor for attending at the hearing of a judgment summons, unless the party for whom he appears resides out of the district of the Court at which the summons is heard, and the Judge shall think fit to allow the same.

41. *Order XXV. Rule 38b. Where no costs are to be allowed on a judgment summons.*] Where on the hearing of a judgment summons the Judge in lieu of making an order of commitment shall make a fresh order for payment by instalments, no costs for fees or witnesses shall be allowed to a judgment creditor, unless the Judge shall be satisfied that the debtor has made default and has had since the date of the original judgment the means to pay the sum in respect of which he has made default, and a minute thereof is entered in Book H.

Order XXV., Rules 40, 41, and 42, are hereby annulled, and the following Rules 40a, 40b, 41a, 42a, and 42b shall stand in lieu thereof:

42. *Order XXV. Rule 40a. Orders enforceable by attachment. 36 & 37 Vict. c. 66, s. 89. Form 296.*] Orders in the nature of an injunction, and all orders, interlocutory or otherwise, within the competence of the Court, which if the same were made in an action or matter pending in the High Court, could, in such court, be enforced by attachment of the person or commitment, may be enforced by order of the Judge by warrant of attachment, which shall be according to the form in the Appendix.

43. *Order XXV. Rule 40b. Endorsement and service of order. Form 292a.*] Before any application shall be made for the issue of a warrant of attachment, a sealed copy of the order sought to be so enforced, endorsed with a notice in the form in the Appendix, shall be served upon the person to be bound thereby. The copy so endorsed shall be issued by the registrar for service on the application of the party entitled to the benefit of the order. By leave of the registrar it may be issued to and served by the applicant's solicitor, but in default of such leave it shall be issued to and served by bailiff. Service shall in all cases be personal unless the Judge for good cause shall make an order for substituted service pursuant to Order LI., Rule 6.

44. *Order XXV. Rule 41a. Failure to obey order after service of copy thereof. Form 293.*] If the person bound by the order fails to obey it, the registrar, on the application of the party entitled to the benefit of it, shall, not less than three days after service of the copy endorsed as provided by Rule 40b, issue for service a notice under the seal of the Court requiring the person who has failed to obey the order to appear at a Court to be held on a day to be named in such notice to show cause why he should not be committed for his contempt in neglecting to obey such order. The notice shall be issued for service and served in the same manner and under the same conditions as the endorsed copy mentioned in Rule 40b. By leave of the Judge the notice may be issued and served at an earlier period than as above prescribed.

45. *Order XXV. Rule 42a. Order of Judge for attachment. Forms 294a, 296.*] On the day named in the notice mentioned in the last preceding Rule, the Judge, on proof of service of the copy order duly endorsed as provided by Rule 40b, and of the above notice, as provided by Rule 41a of this order, and of the disobedience of the person in default, may order a warrant of attachment to issue, either unconditionally or on such terms as shall be just, and may make such order as to costs as he may think fit. Provided that if the party in default appear either in person, or by his solicitor or agent, proof of service of the copy order and notice shall not be necessary, unless the Judge shall otherwise order.

46. *Order XXV. Rule 42b. Order to be drawn up and copy served.*] The order of the Judge authorising the issue of the warrant shall be drawn up and a sealed copy thereof shall be served on the person in default either before or at the time of the execution of the warrant, unless the Judge shall otherwise order.

#### Discovery in Aid of Execution.

47. *Order XXV. Rule 52. Examination of the debtor when judgment, &c., for recovery of money.*] When a judgment or order is for the recovery or payment of money, the party entitled to enforce it may apply to the Judge or registrar for an order that the debtor liable under such judgment or order, or in the case of a corporation, that any officer thereof, be orally examined, as to whether any or what debts are owing to the debtor, and whether the debtor has any and what other property or means of satisfying the judgment or order before the Judge or registrar as the Judge or registrar shall appoint; and the Judge or registrar may make an order for the attendance and the examination of such debtor, or of any other person, and for the production of any books or documents.

#### ORDER XXVI.—ATTACHMENT OF DEBTS.

Order XXVI. is hereby annulled, and the following order shall stand in lieu thereof:

## ORDER XXVIA.—ATTACHMENT OF DEBTS.

48. *Order XXVIA. Rule 1. Proceedings against garnishee. Form 155A. 51 & 52 Vict. c. 43, s. 74.]* Any person who has obtained a judgment or order for the recovery or payment of money, may either before or after any oral examination of the debtor liable under such judgment or order, upon lodging with the registrar of the Court in which the judgment or order was given or made an affidavit by himself or his solicitor stating that judgment has been recovered, or the order made, and that it is still unsatisfied, and to what amount, and that any other person (hereinafter called the garnishee) is indebted to such debtor, and is in respect of such debt within the jurisdiction of the Court, and could be sued therein with or without leave under section seventy-four of the Act, enter a plaint to obtain payment to him of the amount of the debt due to the said debtor from the garnishee, or so much thereof as may be sufficient to satisfy the said judgment or order, and thereupon a summons in the form in the Appendix calling upon the garnishee to show cause why he should not pay to the person who has obtained such judgment or order the debt due from him to such debtor, or so much thereof as may be sufficient to satisfy the judgment or order, shall be issued by the registrar to the high bailiff for service.

49. *Rule 2. When garnishee not within jurisdiction. Form 49. Form 155A. Form 156A.]* Where the garnishee is not in respect of such debt within the jurisdiction of the Court in which the judgment or order was obtained the person who has obtained such judgment or order upon lodging with the registrar of the Court in the district of which the garnishee resides or carries on business a certificate of the judgment or order and also an affidavit similar to that prescribed by the last preceding Rule may enter a plaint against the garnishee in such last-mentioned Court, and thereupon a summons shall be issued and all proceedings shall be had and taken thereon as if the judgment or order had been obtained in such Court.

50. *Rule 3. Service of garnishee summons.]* The summons shall be personally served on the garnishee, and when so served it shall bind in the hands of the garnishee all debts due, owing, or accruing from him to the debtor liable under the judgment or order,

51. *Rule 4. Service on a firm or company.]* Where the garnishee is a firm or is a company or other corporation the summons need not be served personally, but it may be served as provided by Order VII., with respect to the service of an ordinary summons.

52. *Rule 5. No costs where garnishee pays.]* Where the garnishee shall pay into Court five clear days before the return-day the amount due from him to the debtor liable under the judgment or order, or an amount equal to the judgment or order, he shall not be liable for any costs incurred by the person who obtained the judgment or order.

53. *Rule 6. Notice of payment to be given. Form 38A.]* The registrar shall forthwith give notice of the payment into Court to the person who has obtained the judgment or order, and if such person elects to accept the money so paid into Court by the garnishee, and shall send to the registrar and to the garnishee by prepaid post or leave with the registrar a written notice stating such acceptance, within forty-eight hours after receipt of the notice of payment into Court, all further proceedings against the garnishee shall abate, and the registrar shall pay the money so paid into Court to the person who obtained the judgment or order in discharge or part discharge of the debt due to such person, and of the costs of issuing the garnishee summons.

54. *Rule 7. Order on return day. Form 157a. Form 158.]* If the garnishee does not before the return-day of the summons pay into Court the amount due from him to the debtor liable under the judgment or order, or an amount equal to the judgment or order, and does not on the return-day dispute the debt due or claimed to be due from him to such debtor, or if he does not appear on the return-day either in person or by some person duly authorised on his behalf, then the Judge may give judgment for the plaintiff, and may order execution to issue to levy the amount due from the garnishee, or so much thereof as may be sufficient to satisfy the judgment or order.

55. *Rule 8. Order when payment into Court disputed. Form 157a.]* Upon the return-day, should the amount paid into Court under Rule 5 of this order be not accepted, the Judge shall determine as to the liability of the garnishee to pay any further sum on account of the debt claimed to be due from him to the debtor, and as to the party by whom the costs of the proceeding by plaint shall be paid, and make such order as may be in accordance with such determination.

56. *Rule 9. Liability disputed.]* If the garnishee appears on the return-day and disputes his liability the Judge may instead of giving judgment order that any issue or question necessary for determining his liability be tried or determined in any manner in which any issue or question in an action may be tried or determined.

57. *Rule 10. Certificate of Court in which garnishee sued. Form 49.]* Where the Court in which the garnishee is sued is not the Court in which the judgment or order upon which he is garnished was given or made, the registrar of such first-mentioned Court shall send forthwith a certificate of the order of his Court to the Court in which such judgment or order was given or made, and shall also send notice from time to time of any payment made on, before, or after the return day.

58. *Rule 11. Where debt is stated to belong to a third person, or there is a lien thereon.]* Whenever in proceedings to obtain an attachment of debts it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that any third person has a lien or charge upon it, the Judge may order such third person to appear, and state the nature and particulars of his claim upon such debt. After hearing the allegations of such third person and of any other person whom the Judge, by the same or any subsequent order may order to appear, or in case of such third person not appearing when ordered, the Judge may decide in favour of the person who obtained the judgment or order, or may order

any issue or question to be tried or determined between the third person and the person who obtained the judgment or order, and may bar the claim of such third person or make such other order as such Judge shall think fit, upon such terms, in all cases, with respect to the lien or charge (if any) of such third person, and to costs, as the Judge shall think just and reasonable.

59. *Rule 12. Discharge of garnishee.]* Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him as against the debtor, liable under a judgment or order, to the amount paid or levied, although such proceeding may be set aside, or the judgment or order reversed.

60. *Rule 13. Costs.]* The costs of any application for an attachment of debts, and of any proceedings arising from or incidental to such application, shall be in the discretion of the Judge.

61. *Rule 14. Judge may refuse to interfere.]* In proceedings to obtain an attachment of debts, the Judge may, in his discretion, refuse to interfere, where, from the smallness of the amount to be recovered, or of the debt sought to be attached, or otherwise, the remedy sought would be worthless or vexatious.

## ORDER XXVII.—INTERPLEADER.

Order XXVII., Rules 4 and 12, are hereby annulled, and the following rules shall stand in lieu thereof:

62. *Order XXVII. Rule 4a. Claimant to lodge two copies of particulars and grounds of claim. Forms 180, 181.]* The claimant shall, five clear days at least before the return-day, deliver to the high bailiff, or leave at the office of the registrar, two copies of the particulars of any goods or chattels alleged to be the property of the claimant, and of the grounds of his claim, and in case of a claim for rent of the amount thereof, and for what period, and in respect of what premises the same is claimed to be due; and the name, address, and description of the claimant shall be fully set forth in such particulars, and the high bailiff shall forthwith send by post to the execution creditor or his solicitor one of the copies of such particulars. any money paid into Court under the execution shall be retained by the registrar until the claim shall have been adjudicated upon: Provided that by consent of all parties, or without such consent if the Judge shall so direct, an interpleader claim may be tried, although this rule has not been complied with.

63. *Rule 12a. Judge may direct sale of goods claimed under a bill of sale, &c.]* When goods or chattels have been seized in execution under process of the Court, and any claimant alleges that he is entitled under a bill of sale or otherwise to such goods or chattels, by way of security for debt, the Judge may order a sale of the whole or part thereof, and may direct the application of the proceeds of such sale in such manner and upon such terms as may be just. A duplicate of such order shall be delivered by the registrar to the high bailiff, who shall thereupon forthwith sell the goods or chattels pursuant to the order, and after deducting the expenses of the sale and the taxes and rent, if any, directed by the order to be paid, shall pay the balance of the proceeds into Court, and such balance shall thereupon be applied by the registrar in accordance with the directions contained in the order of the Court.

## ORDER XXXI.—NEW TRIAL.

Order XXXI., Rule 1, is hereby annulled, and the following Rule shall stand in lieu thereof:

64. *Order XXXI. Rule 1a. Applications for new trial.]* An application for a new trial, or to set aside proceedings, may be made and determined on the day of trial, if both parties be present, or such application may be made at the first Court holden next after the expiration of twelve clear days from such day of trial; provided that the intending applicant, seven clear days before the holding of such Court, delivers to the registrar at his office, and also gives to the opposite party by serving the same personally on such party, or by leaving the same at his place of abode or place of business, a notice in writing, signed by himself or his solicitor, stating that such an application is intended to be made at such Court, and setting forth shortly the grounds of such intended application; but such notice shall not operate as a stay of proceedings unless the Judge shall otherwise order; and if any money paid into Court under any execution or order in the action shall not have been paid out at the time such notice in writing shall have been given to the registrar, the registrar shall retain the same to abide the event of such application, or until the Judge shall otherwise order; and if no such application be made, the money shall, if required, be paid over to the party in whose favour the order was made, unless the Judge shall otherwise order; and if such notice be not given in manner aforesaid, or such application be not made at the Court mentioned in the notice, no application for a new trial or to set aside proceedings shall be subsequently made, unless by leave of the Judge, and on such terms as he shall think fit; provided that this rule shall not apply to cases falling within the provision of section ninety-one of the Act.

## ORDER XXXV—SUMMARY PROCEDURE ON BILLS OF EXCHANGE ACT, 1855.

65. *Order XXXV. Rule 4. Particulars of claim. Form 17b.]* Particulars of demand shall be filed on the entry of all plaintiffs under the said Bills of Exchange Act, and shall be in the form in the Schedule *mutatis mutandis*.

## ORDER XXXIX.—ADMIRALTY ACTIONS.

Order XXXIX. is hereby annulled, and the following order shall stand in lieu thereof:

## ORDER XXXIXB.—ADMIRALTY ACTIONS.

*Sittings of the Court.*

66. *Rule 1. Where action may be tried.]* The Judge may try or partly

try the action at any place within the Admiralty district of the Court.

67. *Rule 2. Undertaking for expenses. Form 318.*] Where application is made to the Judge for the trial or part trial of an Admiralty action at a place in which a Court is not holden, the party making the application shall file a praecipe undertaking to provide at his own expense a place to the satisfaction of the Judge in which the action may be tried, and pay the necessary expenses of the Judge and officers so attending.

68. *Rule 3. Sittings of the Court in Admiralty.*] The days of the sitting of the Court shall be those appointed for the transaction of the ordinary general business of the Court held in the city or town mentioned in the name of the Court, or such other days as the Judge may from time to time appoint on the written application of either party.

*Special day for trial.*] Provided that where, from the detention of a vessel or otherwise, a prompt determination of the action is desirable, a special sitting shall on the application of any party be appointed by the Judge at as early a date as possible. Such application shall be made on notice being given to the other party, who shall have the right to be heard.

#### Institution of Action.

69. *Rule 4. Commencement of action. Form 317.*] A plaintiff desiring to institute an Admiralty action shall file a praecipe stating the nature of the action, and when practicable, his name, address, and description, and if the proceedings are commenced through a solicitor, the name of the solicitor, and an address within three miles of the office of the registrar at which it shall be sufficient to leave all instruments and documents in the action required to be served upon the party commencing such proceedings, and also stating the name of the owner or other person against whom the action is instituted, or that the action is instituted against the vessel or other property to which the action relates.

70. *Rule 5. Plaintiff may be described as owner.*] When it is not practicable at the time of filing the praecipe to state therein the name of the plaintiff, it shall be sufficient (subject to the right of the defendant to demand his name) to describe the plaintiff as "Owner of the ship or vessel."

71. *Rule 6. Actions in rem. Form 334.*] In Admiralty actions in rem, no service of summons or warrant shall be required where the solicitor of the defendant agrees to accept service and to put in bail or to pay money into Court in lieu of bail.

72. *Rule 7. Notice of commencement of action to be given to Consul in certain cases.*] In an Admiralty action for wages against the owners of a foreign vessel, notice of the commencement of the action shall be given to the Consul or Vice-Consul of the state to which the vessel belongs, if there is one resident within the district of the Court, and a copy of the notice shall be annexed to the praecipe.

#### Summons.

73. *Rule 8. Summons. Forms 319, 320.*] Immediately upon the filing of the praecipe the registrar shall enter a plaint and issue a summons for service by the solicitor, should the proceedings have been commenced through a solicitor, or by the bailiff of the Court.

#### Arrest.

74. *Rule 9. Affidavit to be filed. Order XXXIX (b)]* Where after the commencement of an Admiralty action it is desired to arrest any vessel or property, the plaintiff or defendant on counter-claim must file an affidavit stating the facts which render it probable that the vessel or property will be removed out of the jurisdiction of the Court before the claim or counter-claim is satisfied. It shall not be necessary to show in such affidavit that the vessel or property is likely to be removed immediately.

75. *Rule 10. When nationality of vessel to be stated.*] In an Admiralty action for necessities or for wages the nationality of the vessel shall be stated in the affidavit.

76. *Rule 11. When warrant of arrest may issue. Form 321.*] Where upon the filing of the affidavit the Judge, or in his absence the registrar, is satisfied with the evidence, he may issue a warrant for the arrest and detention of the vessel or property, and where he is not satisfied he may require further evidence to be adduced, and he may order the detention of the said vessel or property for the purpose of adducing such evidence.

77. *Rule 12. When warrant of arrest may be executed.*] A summons in rem may be served and a warrant of arrest may be executed on Sunday, Good Friday, or Christmas Day, as well as on any other day.

#### Service of Summons or Warrant.

78. *Rule 13. Service of summons or warrant of arrest.*] Service of a summons or execution of a warrant against the ship, freight, or cargo on board shall be effected by delivering it to the person who is at the time of service apparently in charge of the vessel or property, or, if there is no person apparently in charge, by mailing or affixing it on the main mast or on the single mast of the vessel; and in other cases the summons must be served personally upon the defendant, unless the Judge, or in his absence the registrar, shall upon facts duly verified upon affidavit allow of substituted service.

79. *Rule 14. Service where cargo landed or transhipped.*] If the cargo has been landed or transhipped, service of a summons or execution of a warrant to arrest the cargo and freight shall be effected by placing the summons or warrant for a short time on the cargo, and afterwards leaving a true copy of such summons or warrant on the cargo.

80. *Rule 15. Where access to cargo denied.*] If the cargo be in the custody of a person who will not permit access to it, service of the summons or warrant may be made upon the custodian.

81. *Rule 16. Service on agent.*] In cases in which proceedings are commenced under section 21, sub-section 2, of the County Courts

Admiralty Jurisdiction Act, 1868, in a county court in the district of which the agent in England of the owner of the vessel or property to which the cause relates resides, the summons shall be served personally upon such agent unless the Judge or registrar upon facts duly verified upon affidavit allow of substituted service.

#### Appearance in Admiralty Actions.

82. *Rule 17. Appearance. Form 324.*] A defendant desiring to enter an appearance in an action shall file a praecipe, and thereupon an entry of his appearance shall be made in the Admiralty Actions Book.

83. *Rule 18. Contents of praecipe.*] The praecipe shall state, when practicable, the name, address, and description of the party on whose behalf the appearance is entered, and when such appearance is entered by a solicitor, the name of the solicitor, and an address within three miles of the office of the registrar at which it shall be sufficient to leave all instruments and documents in the action required to be served upon the defendant entering the appearance.

84. *Rule 19. Praecipe in actions in rem when defendant's name, &c., is not known.*] Where it is not practicable at the time of entering the appearance to state the name, address, and description of the defendant, it shall be sufficient in actions in rem (subject to the right of the plaintiff to demand further particulars) to state that the appearance is entered on behalf of the "owners" of the property proceeded against, or on behalf of "the defendant."

85. *Rule 20. Person claiming interest may intervene.*] Any person claiming to have an interest in the vessel or property may intervene by entering an appearance in an action. If the interest claimed by such person shall not be cognisable by the Court, any party may apply to the Court or to the High Court to have the case transferred to the High Court of Justice.

86. *Rule 21. Appearance.*] Upon the arrest of any vessel or property an appearance may be entered in the same manner as upon the service of the summons.

87. *Rule 22. Notice of day of hearing. Form 325.*] Where an appearance has been entered the registrar shall upon application by either the plaintiff or the defendant give to each party in the action, a notice under the seal of the Court, stating the day upon which the action has been directed by the Judge to be heard.

88. *Rule 23. Judgment may be signed on non-appearance.*] Where no appearance has been entered within the time limited by the summons, the plaintiff shall, on filing an affidavit of due service of the summons, be at liberty to sign final judgment for the amount named in the particulars in claims of a liquidated nature with costs to be taxed by the registrar, or interlocutory judgment with costs to be taxed in actions for damages, and in the latter event the damages shall be assessed by the registrar under the rules provided for the assessment of damages.

#### Release of Property.

89. *Rule 24. Bail before registrar or commissioner.*] Bail in Admiralty actions may be taken before the registrar or his clerk, if nominated by the Judge under section 83 of the County Courts Act, 1888, or before a commissioner to administer oaths, but in every case the sureties shall justify, unless the adverse party shall give notice in writing dispensing with affidavits of justification.

90. *Rule 25. Preparation of bail papers by solicitor. Form 322a.*] The bail bond and affidavits of justification shall be prepared by the party giving bail, or his solicitor, the latter shall be in the form in the Appendix, with such variations as may be necessary.

91. *Rule 26. Bail before registrar.*] If bail is to be taken before the registrar, a notice containing the names and addresses of the sureties and of the time appointed by him for taking the bail, shall be served by the party giving bail or his solicitor before 6 o'clock on the day before that which is appointed for taking the bail, and the sureties shall attend at the time appointed for the purpose of executing the bail papers and of being cross-examined as to their means if required.

92. *Rule 27. Bail before commissioner. Forms 322b, 322c.*] If bail is taken before a commissioner, notice of such bail shall be given, and an affidavit of service thereof filed in the forms contained in the schedule of forms hereto, subject to such variations as may be necessary, but the property shall not be released without consent until the expiration of twenty-four hours from the time of service of such notice.

93. *Rule 28. Twenty-four hours' notice before release.*] On receipt of notice of bail having been taken before a commissioner, the property shall not be released, if before the expiration of such twenty-four hours the party requiring such bail or his solicitor shall have given notice to the party giving bail or his solicitor and to the registrar that he requires such sureties to attend before the registrar for the purpose of being cross-examined as to their means.

94. *Rule 29. Costs of examination of sureties.*] If in the opinion of the registrar notice of attendance of the sureties for such cross-examination shall have been given without sufficient cause, the costs of their attendance for cross-examination, and the expenses of the detention of the property kept under arrest in consequence of such notice, shall be paid by the party requiring such attendance.

95. *Rule 30. Release on payment into Court. Form 323.*] Where in an Admiralty action the amount sued for is paid into Court, together with costs, or the security completed, or the plaintiff requires it, the registrar shall deliver to the party applying for the same an order directed to the high bailiff of the Court, authorising and directing him, upon payment of all costs, charges, and expenses attending the custody of the property, to release it forthwith.

96. *Rule 31. Value of property, how ascertained.*] Notwithstanding the last preceding rule, the property in an Admiralty action for salvage shall not be released, except with the consent of the plaintiff, until its value has

been agreed or an affidavit of value filed on behalf of the party seeking the release, unless the Court or the Judge shall otherwise order.

97. *Rule 32. Appraisement.*] If the plaintiff is dissatisfied with the value mentioned in the affidavit filed under the preceding rule he shall be entitled to have the value ascertained by appraisement, and for such purpose shall file a praecipe. The costs of such appraisement shall be in the discretion of the Court.

*Transfer of Action.*

98. *Rule 33. Transfer of action to High Court of Justice or another county court.* 36 & 37 Vict. c. 36. 51 & 52 Vict. c. 43. ss. 68 and 126. Forms 326, 327.] Where an action is transferred to another county court or to the High Court by order either of the Court in which the action was commenced or of the said High Court, the registrar shall transmit the record of the proceedings to the proper officer of the Court in the same manner as is prescribed by Order XXXIII., Rule 7, of these Rules, for the transmission of proceedings transferred under section ninety of the Supreme Court of Judicature Act, 1873, and sections sixty-eight and one hundred and twenty-six of the Act.

99. *Rule 34. Order of transfer to be left with registrar.*] Where the proceedings have been transferred by an order of the High Court, a copy of the order transferring the proceedings shall be left with the registrar.

*Second or Cross Action.*

100. *Rule 35. Costs in cross action may be refused.*] Where it shall appear to the Judge that the plaintiff in an Admiralty action (hereafter called the second action) was or is the defendant in an action (hereafter called the first action) in another Court arising out of the same transaction, and that he did not propose to the plaintiff in the first action that by agreement jurisdiction should be given to the Court in which the first action was commenced to hear and determine the second action the Judge may, if he shall think fit, refuse the plaintiff in the second action his costs.

101. *Rule 36. First and second actions may be tried together.*] Where a second or cross action for damage has been commenced by a defendant in an action for damage, and the second action has been commenced, by agreement or otherwise, in the Court in which the first action was commenced, or has been transferred to the said Court by order of any other Court, the Court may direct that both actions may be tried at the same time and upon the same evidence.

*Enforcement of Orders.*

102. *Rule 37. Proceedings on order against unknown defendant.* 31 & 32 Vict. c. 71.] Where a judgment or order has been obtained against an unknown defendant, the vessel or property to which the action relates shall not be taken in execution, but it may be arrested and detained under the provisions of section 22 of the County Courts Admiralty Jurisdiction Act, 1868, or kept under arrest, if already arrested.

103. *Rule 38. Proceedings on discovery of unknown defendant.* Form 317.] Where a judgment or order has been obtained in an action against an unknown defendant, and the name of the defendant is subsequently ascertained, the adverse party may deliver to the registrar a praecipe stating the name, address, and description of the defendant, and thereupon the registrar shall issue to the solicitor, if such praecipe is delivered through a solicitor, or to the bailiff for service, a notice of the judgment or order, stating thereon that if the defendant does not within four clear days from the day of service deliver a praecipe to the registrar applying for a rehearing of the action, the vessel or property to which the action relates will be sold in execution.

104. *Rule 39. Service of notice on defendant.* Forms 30, 31.] The notice in the last preceding rule mentioned shall be served personally upon the defendant, unless the Judge or registrar shall upon facts duly verified upon affidavit allow of substituted service.

*Execution against Vessel.*

105. *Rule 40. Proceedings on execution against a vessel.* Where under a warrant of execution a vessel is seized, the high bailiff shall, before selling the same, cause an inventory and valuation thereof to be made by an appraiser, and the vessel shall not be sold for less than the appraised value thereof, except by order of the Court. The appraiser shall be allowed 10s. per cent. on the appraised value of the vessel, and a reasonable sum for travelling expenses and maintenance if the vessel is beyond three miles from registrar's office.

106. *Rule 41. Proceeds of sale to be paid into Court.*] On the completion of the sale the high bailiff shall pay the proceeds arising therefrom into Court, return the warrant, and file an account of the sale and of his fees thereon, signed by him, together with the certificate of appraisement signed by the appraiser.

107. *Rule 42. Delivery of property to purchaser.*] On the completion of the purchase the high bailiff shall deliver up the property to the purchaser, and if required so to do shall execute a bill of sale to him at the expense of the purchaser.

108. *Rule 43. Costs of execution.*] The costs of the solicitor suing out execution to be taxed by the registrar shall be allowed and be recoverable against the property taken in execution.

*Transfer of Sale.*

109. *Rule 44. Proceedings on transfer of sale.*] Where the vessel has been arrested or has been seized under a warrant of execution, and the sale of the vessel has been ordered to be transferred to the High Court, the vessel shall be retained by the high bailiff until the marshal shall, by order of the High Court, take possession thereof.

110. *Rule 45. Application for transfer of proceedings for sale.*] The party

desiring that the sale of any vessel or property should be conducted in the High Court of Justice, may at any time after judgment give security to the amount of £10, and deliver to the registrar an application for an order for the transfer of the proceedings for sale to the said High Court.

111. *Rule 46. Application to be transmitted to Judge.* Form 332.] The registrar shall transmit the application in the last preceding rule mentioned to the Judge for his order thereon, if the Court is not sitting, and shall in any case certify on the application that the security for costs has been given.

*Notice of Defence in Collision.*

112. *Rule 47. Notice of defence in actions for damage by collision.*] Where in actions for damage by collision the defendant intends to set up as a defence that the vessel was by compulsion of law in the charge of a pilot, he shall give notice thereof to the adverse party as soon after the service of summons as may be, and if he shall fail to give such notice the Judge shall, in exercising his discretion as to costs, consider what effect the non-delivery of the notice has had in the action.

*Tenders.*

113. *Rule 48. Notice of proposed tender.* Form 333.] The party desiring to make a tender shall give a notice to the adverse party of the terms and amount of the tender, and shall pay the amount into Court, and deliver a praecipe. Money may be paid into Court with a denial of liability, in which case the form in the Appendix shall be altered accordingly.

114. *Rule 49. Notice of acceptance of tender.*] Within forty-eight hours after the receipt of the notice of any such payment into Court the adverse party shall file a notice stating whether he accepts or rejects the tender, and, if he shall fail to do so, he shall be deemed to have rejected it.

115. *Rule 50. Costs may be taxed thereon.*] A party accepting a tender shall be entitled to his costs of suit, and shall be at liberty to tax and enforce payment of same without the necessity of an application to the Court for the purpose.

*Payment out of Court.*

116. *Rule 51. Payment out of Court to solicitor.*] Money ordered in an Admiralty action to be paid out of Court may be paid to the solicitor on the record, without the production of a power of attorney from the party entitled to receive the money, unless the Judge shall otherwise order.

117. *Rule 52. Retainer of moneys in Court where more than one action.*] Where more than one action has been commenced against a vessel or any property, and the same has been sold, the proceeds thereof shall be retained in Court, to abide the decision of the Court, in the various actions, unless the Judge shall otherwise order.

*Appraisement.*

118. *Rule 53. Appraisement.*] The registrar may, on the application of either party, and whether before or after judgment, order any property under arrest to be appraised, and the same allowances shall be made to the appraiser as are directed to be allowed by Rule 40 of this Order.

*Records of the Court.*

119. *Rule 54. Inspection of records.*] The parties in an action, their solicitors, or the clerks of the solicitors, may, while the action is pending, and for one year after its termination, inspect, free of charge, all the records in the action.

120. *Rule 55. Who entitled to inspection during pendency of action.*] In a pending action no person other than the parties, their solicitors, or the clerks of the solicitors, shall be entitled to inspect the records in the action without the permission of the registrar.

121. *Rule 56. The like on termination of action.*] In an action which has been finally disposed of by any person may, on delivering to the registrar a praecipe, and on payment of the proper fee, inspect the records in the action.

*Copies.*

122. *Rule 57. Office copies.*] Any person entitled to inspect any instrument or document in an action shall, on delivering to the registrar a praecipe, and on payment of the proper charges for the same, be entitled to an office copy thereof.

*Assessors.*

123. *Rule 58. Payment on application for assessors by party.*] The party requiring the Judge at the trial or the registrar on an assessment of damages to be assisted by one or two assessors shall at the time of the praecipe pay to the registrar the sum of one guinea for each assessor if the amount claimed does not exceed £100, and two guineas if it does exceed that amount, and such payments shall be considered as costs in the action, unless otherwise ordered by the Judge.

124. *Rule 59. The like on requirement of Judge or registrar.*] Where the Judge or the registrar requires the assistance of two assessors the fees in the last preceding rule mentioned shall be paid by the plaintiff or his solicitor before the trial, and shall be costs in the action, unless otherwise ordered by the Judge.

125. *Rule 60. Assessors' fees on adjournment.*] Where the trial or reference is adjourned the plaintiff shall pay the assessors' fees for the day of adjournment forthwith after the order of adjournment is made by the Judge or registrar, as the case may be.

126. *Rule 61. Selection of assessors.* Form 335.] Upon the delivery of the praecipe in Rule 58 mentioned, or upon the requirement of the Judge or registrar, as in Rule 59 mentioned, the registrar shall select from the list of assessors the names of two persons whom he may, having reference to the nature of the action to be tried or of the reference to be determined, consider most capable of assisting the Judge or registrar in trying and determining it, and shall send to each of such persons by post a summons according to the form in the Appendix.

127. *Rule 62. Payment to assessors.*] The registrar shall pay to every assessor for each day's attendance and service in every action or reference one guinea or two guineas, according as the amount claimed in the action does or does not exceed £100.

*Admission of Liability.*

128. *Rule 63. Party may admit liability.* Form 322d.] The defendant may at any time after appearance, and the plaintiff may at any time after the filing of a counter-claim, admit liability in any action except for salvage. Such admission shall be by precipe in the prescribed form, which shall be signed by the solicitor for the party, or if signed by the party in person, shall be attested by a solicitor.

129. *Rule 64. Notice thereof.*] The party filing such precipe shall immediately give notice thereof to the other party or parties in the action, and after receipt of such notice no costs shall be allowed to the party served therewith in respect of the further prosecution of the action so far as regards the question of liability.

The parties may, before trial, agree that the damages recoverable shall be assessed by the registrar with or without an assessor or assessors.

*Assessment of Damages.*

130. *Rule 65. Judge may order reference.*] In all actions excepting salvage the Judge may, instead of giving judgment for any specified amount, give judgment settling the rights of the parties and order a reference to the registrar or to the registrar and assessors as to the amount, which shall bear interest from such date as the registrar may allow at the rate of 4 per cent. per annum.

131. *Rule 66. Claimant shall file particulars and vouchers.*] After an order has been made under the last rule, or an admission of liability filed under Rule 63, the solicitor for the claimant shall within seven days file particulars of his claim, if not already filed, and all original vouchers, and shall serve copies thereof on the adverse solicitor.

132. *Rule 67a. Registrar to appoint time for reference.*] Upon the application of either party the registrar shall fix a time and place for proceeding on the reference and give at least four days' notice thereof to all parties and shall summon an assessor or assessors to be present thereat if so ordered by the Judge or required by either party or by himself.

133. *Rule 68. Registrar may proceed with or adjourn reference.*] At the time appointed for the reference, if either solicitor be present, the reference may be proceeded with; but the registrar may adjourn the reference from time to time as he may deem proper.

134. *Rule 69. Evidence may be given *vide vocem* or by affidavit.*] Witnesses may be produced for examination on the reference or where a witness resides at a distance of not less than ten miles from the registrar's office or in any other case by consent of the parties, evidence may be given on affidavit, subject to the right of the adverse party to require the deponent to any such affidavit to attend the reference for cross-examination, provided that the registrar shall be at liberty to allow the costs of such attendance against the cross-examining party in the event of his considering that it was unnecessarily called for.

135. *Rule 70. Registrar shall report.* Form 332f.] As soon as possible after the conclusion of the reference the registrar shall report in writing in the form in the schedule hereto, with such alterations as may be necessary, what amount is found to be due in respect of every claim filed, particularising in a schedule to such report, each amount claimed and allowed, and what part of the costs of the reference (if any) shall be allowed, and to whom. He shall also immediately give notice to both parties that the report has been made. Unless within seven days after the service of such notice as last aforesaid either party shall lodge an objection to the report, the same shall become final and binding on all parties, and judgment shall be entered accordingly.

136. *Rule 71. Objection to report.*] Either party intending to object to the registrar's report shall within the aforesaid period of seven days file in the registry and give to the adverse party or his solicitor a notice of such intention. In such notice he may also request the registrar to state in writing the reasons of the decision, either as regards the whole of the same or of any particular items to be specified in the notice of objection. If a notice of objection is filed judgment shall not be entered on the report until either the notice has been withdrawn or the matter disposed of by the Judge.

137. *Rule 72. Registrar shall file reasons.*] Within seven days from the notice of the filing of the objection to the report the registrar shall himself file a statement of his reasons as required by the notice, and the report shall be brought up before the Judge at the next sitting of the Court to be held after the expiration of seven days from the filing by the registrar of such reasons.

138. *Rule 73. Appeal from registrar's report.*] On the matter coming before the Judge a hearing shall take place by way of appeal from the report, and the Judge may either vary or confirm such report, or refer the same back to the registrar with any fresh directions as may appear to him to be just, and make such order as to the costs as he may think fit.

*Consent Orders.*

139. *Rule 74. Orders by Consent.* Form 322e.] Any consent in writing between the solicitors in an action may by permission of the Judge or registrar be filed, and shall thereupon become an order of Court, and such order shall be valid as if made by the Court.

*Subpœnas.*

140. *Rule 75. Subpœnas issued in blank.*] A party or his solicitor shall be entitled to issue subpœnas ad testificandum and duces tecum under the seal of the Court without inserting the names of the witnesses.

141. *Rule 76. Service in England or Wales.*] Service of a subpoena may be effected by a party to the action or his solicitor or agent, or by any person employed by either of them in any part of England or Wales.

*Service of Notices and Orders.*

142. *Rule 77. Service by Post.*] After an appearance has been entered all necessary notices, orders, and other documents may be served by post when the party appearing or his solicitor resides, or carries on business at a distance of more than two miles from the office of the solicitor serving the same.

*Costs.*

143. *Rule 78. Costs of necessary letters.*] The costs of all necessary correspondence in Admiralty actions shall be allowed by the Registrar.

144. *Rule 79. And of agent.*] When it becomes necessary to employ a solicitor to act as agent out of the jurisdiction of the Court for the purpose of obtaining the evidence of witnesses attending the trial of an action, a reference before the registrar, taxation of costs, or for any other necessary purpose, the costs of such agent and of instructing him shall be allowed by the registrar.

145. *Rule 80. Admiralty actions.*] In Admiralty actions where the amount recovered does not exceed £20, the costs shall be allowed under column B., unless the Judge shall otherwise order.

**ORDER XLII.—WINDING UP OF COMPANIES AND SOCIETIES.**

Order XLII, is hereby annulled, and the following Order XLI, Rule 9, shall stand in lieu thereof:

146. *Order XLI. Rule 9. Winding up of Building and Industrial and Provident Societies.*] The provisions of the Companies Acts 1862 to 1890, and the rules made thereunder, so far as they relate to winding up, shall apply to the winding up of societies registered under "The Building Societies Act, 1874," and "The Industrial and Provident Societies Act, 1876"; and the winding up of any such societies shall be conducted in all respects as if such societies were companies registered under any of the said Companies Acts. Costs shall be taxed according to the scale of costs for the time being in use in the Supreme Court.

**ORDER XLIII.**

**THE BRINE PUMPING (COMPENSATION FOR SUBSIDENCE) ACT, 1891.**

147. *Rule 1. Appeal to be by notice of motion.* 51 & 55 Vict. c. 40.] Appeals to the County Courts pursuant to section 27 of the Brine Pumping (Compensation for Subsidence) Act, 1891, shall be brought by notice of motion.

148. *Rule 2. Notice of motion and service.*] The notice of motion shall state the grounds of the appeal, and whether all or part only of the decision is appealed against. The notice of motion shall be an eight days' notice, and shall be served on the Compensation Board and on every party directly affected by the appeal.

149. *Rule 3. Time for service of notice and entry of appeal.*] The notice of motion shall be served and the appeal entered at the registrar's office within 27 days from the date of the meeting of the Board at which the decision appealed against was given.

150. *Rule 4. Day for hearing of appeal.*] The appeal shall be heard on such day as the Court shall direct, provided the same be not less than eight days from the date of service of the notice of motion.

**ORDER XLIIIB.—THE LUNACY ACT, 1890.**

151. 53 & 54 Vict. c. 5 s. 132. *Application to be by petition.*] Applications to a Judge under sections 300 and 132 of the Lunacy Act, 1890, shall be made by petition, and the same procedure shall be followed, and the same fees paid and costs allowed, as on any petition under Order XXXVIII.

**ORDER XLIV.—THE EMPLOYERS LIABILITY ACT, 1880.**

Order XLIV, Rule 16, is hereby annulled, and the following Rule shall stand in lieu thereof:

152. *Order XLIV. Rule 16a. Where action not tried an allowance to be made to assessor.*] If after an assessor has been appointed, and before the day of trial, the registrar shall be satisfied that the action has been settled or that the services of the assessor are not required, he shall forthwith countermand the attendance of such assessor and pay to him one half of the fees paid for his attendance. The other half, less the cost of telegrams and postages, shall be returned by the registrar to the person by whom the fees were paid.

**ORDER L.**

Order L, is hereby annulled, and the following order shall stand in lieu thereof:—

**ORDER LA.—COSTS.**

*Taxation and Review of Taxation.*

153. *Rule 1. Taxation of costs.*] In every action or matter in any Court all costs shall be taxed by the registrar of such Court according to the scales of costs in the Appendix, subject to the review of such taxation by the Judge thereof.

154. *Rule 2. Delivery of costs.*] Where practicable the costs of an action or matter shall be taxed on the day on which the action or matter is tried or heard, and where the costs have not been so taxed one day's notice of taxation, together with a copy of the bill of costs if the registrar shall so direct, shall be given by the solicitor of the party whose costs are to be taxed to the other party or his solicitor.

155. *Rule 3. Notice of taxation to be posted.*] Notice of taxation may be sent by post prepaid, provided that it is posted in time to reach the party to whom it is addressed in due course of post before noon of the day preceding the day fixed for taxation.

156. *Rule 4. Where party dissatisfied, to make objections in writing.*] Any party who may be dissatisfied with the allowance or disallowance by the registrar on taxation in any bill of costs taxed by him of the whole or any part of any items, may, at any time before the certificate or allocatur is signed, deliver to the other party interested therein, and carry in before the registrar on taxation, an objection in writing to such allowance or disallowance, specifying therein by a list, in a short and concise form, the items, or parts thereof objected to, and the grounds and reasons for such objection, and may thereupon apply to the registrar to review the taxation in respect of the same.

157. *Rule 5. Review of taxation upon objections.*] Upon such application the registrar shall reconsider and review his taxation upon such objection, and he may, if he shall think fit, receive further evidence in respect thereof, and, if so required by either party, he shall state either in his certificate of taxation or allocatur, or by reference to such objection, the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto.

*Allowance of Costs by Judge.*

158. *Rule 6. How order for particular costs to be made and obtained.*] The order of the Judge required for the allowance of any of the following items in the scales, viz., items 3, 31, 70, 86, 91, 92, 93, 94, and 95, or for the allowance of any particular costs under any of the County Court rules, shall be a special order made upon consideration of the facts of the particular case and not a general order; and the application for such allowance, or for any certificate under section one hundred and nineteen of the Act shall be made at or immediately after the trial or hearing and not at any other time.

159. *Rule 7. Allowance of special items in certain cases.*] The Judge may, in his discretion, in any action under the Employers Liability Act, any action or matter remitted from the High Court, any action or matter commenced under the Admiralty or equity jurisdiction of the Court, or any action of ejectment or in which title to any corporeal or incorporeal hereditaments comes in question, order that any of the following items mentioned in the scale of costs shall be allowed to the party in whose favour the order is made, in addition to or in substitution for, as the case may be, the costs to which he would otherwise be entitled, viz., items 31, 70, 86, and 93.

160. *Rule 8. Judge's certificate for costs.*] 51 & 52 Vict. c. 43, s. 119.] Where a Judge certifies under section one hundred and nineteen of the Act, the certificate shall be entered at the end of the minutes of the Court of the day on which it is given, and shall be signed by the Judge.

*As to Scale.*

161. *Rule 9. In special actions.*] In actions where a perpetual injunction is claimed, whether the same is granted or not, and in actions under sections 59, 60, 61, and 133 of the Act, the Judge may order the costs to be taxed under Column A, B., or C., and in default of any such order they shall be taxed under column B.

162. *Rule 10. Actions for recovery of possession.*] The costs in actions under sections 138 and 139 of the Act shall be taxed, in the case of a plaintiff, on the scale applicable to the rent or value of the premises upon which the Court fees are assessed, plus the amount of any rent and mesne profits recovered, and in the case of a defendant on that applicable to the said rent or value, plus the amount of the rent and mesne profits claimed.

163. *Rule 11. Jurisdiction by consent.*] 51 & 52 Vict. c. 43, s. 64.] Costs in actions under section 64 of the Act shall be taxed under Column C, unless the Judge shall otherwise order.

164. *Rule 12. Interpleader proceedings.*] The "subject matter" in an interpleader proceeding shall mean (1) in the case of a claimant the amount of the value of the goods his claim to which is allowed, plus the amount of the damage (if any) adjudged, (2) in the case of an execution creditor the amount of the value of the goods seized, plus the amount of the damage (if any) claimed, and (3) in the case of a high bailiff, the amount of the damages claimed.

165. *Rule 13. Counter-claims.*] Where a counter-claim is raised and tried, unless the Judge shall otherwise order, the scale upon which the costs of the parties are to be taxed shall be determined as follows:—

- (1) If plaintiff is successful on both claim and counter-claim by the amount which he recovers on his claim, unless the amount of defendant's claim is the larger, in that case the costs incurred subsequently to the delivery of the counter-claim shall be determined by the amount of such counter-claim.
- (2) If defendant is successful on both claim and counter-claim by the amount which he recovers on his counter-claim, or the amount of plaintiff's claim, whichever may be the larger.
- (3) If both parties are successful, by the amounts which they recover on their respective claims, and if both claims fail by the amount claimed by the opposite party.

166. *Rule 14. When plaintiff recovers less than claim.*] Where the demand is unliquidated and the plaintiff recovers less than the amount claimed, the Judge may order that his costs be taxed on the scale applicable to the amount claimed, or any intermediate scale.

167. *Rule 15. Defendant's costs.*] Where the costs of a defendant are being taxed, the word "recovered," wherever it occurs in the scale, shall be deemed to be "claimed."

168. *Rule 16. Fees where plaintiff recovers less than he claims.*] Where the plaintiff recovers less than the amount of his claim, so as to reduce the scale of Court fees, he shall pay the difference.

*General Directions.*

169. *Rule 17. No costs allowed if not sanctioned by scales.*] Costs not

sanctioned by the scale are not to be allowed, and costs are not to be allowed, as between the parties to an action in respect of searching for payments into Court nor in respect of any proceedings to enforce payment of a judgment or order by way of execution against the goods or commitment under the Debtors Act, 1869, save as provided in Order XXV., Rules 38 and 6.

170. *Rule 18. Discretion of registrars.*] When under the scales or rules a discretion as to the allowances to be made is vested in registrars, they are required to exercise it with care and discrimination, and strictly in accordance with the particular directions set forth in the scales and rules.

171. *Rule 19. When costs unnecessarily incurred.*] No costs which are to be paid or borne by another party shall be allowed which do not appear to the registrar on taxation to have been necessary or proper for the attainment of justice or defending the rights of the party incurring the same, or which appear to such officer to have been incurred through over caution, negligence, or mistake, or merely at the desire of such party.

172. *Rule 20. Discretionary fees and allowances.*] All fees or allowances which are discretionary shall, unless otherwise provided, be allowed at the discretion of the registrar on taxation, who, in the exercise of such discretion, shall take into consideration the other fees and allowances to the solicitor and counsel, if any, in respect of the work to which any such allowance applies, the nature and importance of the action or matter, the amount involved, the interest of the parties, the fund or persons to bear the costs, the general conduct and costs of the proceedings, and all other circumstances.

173. *Rule 21. Where separate judgments against defendants.*] Where two or more defendants are joined and judgment is given separately against each with costs, unless the Judge shall otherwise order the costs shall be apportioned according to the respective amounts of each judgment.

174. *Rule 22. Folio.*] A folio shall comprise 72 words, every figure comprised in a column or authorised to be used counting as one word.

175. *Rule 23. Real property.*] When any real property is directed to be sold, the ordinary conveyancing charges shall be allowed.

176. *Rule 24. Costs of person in fiduciary, &c., position.*] Where in the course of an action or matter a party suing or sued in a fiduciary or representative character necessarily incurs costs not allowable upon taxation under any scale, the registrar shall apply to the Judge, who may, by an order to be filed with the proceedings, allow such a sum as he may think fit for such costs to be paid out of any funds in Court applicable to the purpose.

*Witnesses.*

177. *Rule 25. Allowances for attendance.*] Subject to the following rules, there may be allowed to witnesses for their attendance at Court the sums mentioned in the scales in the Appendix.

178. *Rule 26. Plaintiff not entitled except in certain cases.*] Where the witness is a plaintiff in the action or matter he shall not be entitled to any allowance, except for travelling, unless he is a domestic or menial servant, a labourer, a servant in husbandry, a journeyman, an artificer, a hand-craftsman, a miner, or any person engaged in manual labour, or unless the Judge in any particular case, for reasons of special hardship, shall otherwise order.

179. *Rule 27. Travelling expenses.*] There may be also allowed to all witnesses, including plaintiffs and defendants if called as witnesses, for travelling expenses, the sum which shall have been actually and reasonably paid by them, but such expenses shall in no case exceed in the whole a sum equal to sixpence per mile one way.

180. *Rule 28. When attending in more than one cause.*] If witnesses attend in more than one cause they should be allowed a proportionate part of their allowances in each cause only.

181. *Rule 29. Costs of witnesses not summoned.*] The costs of witnesses, whether they have been examined or not, may, unless otherwise ordered by the Judge, be allowed, though they have not been summoned.

182. *Rule 30. Compensation to seamen.*] Seamen necessarily detained on shore for the purpose of an action or matter shall be allowed such remuneration as the Judge may order, or, in the absence of an order, as the registrar may think reasonable compensation for their loss of time.

183. *Rule 31. Allowance to scientific witnesses.*] In any action or matter in which a party is entitled of right or by order of the Judge, to tax his costs on scales B. or C. in the Appendix, the Judge may order that any expert or scientific witnesses may be allowed for qualifying to give evidence and for attending such trial such sum as the registrar on taxation may think fit not exceeding the maximum allowances mentioned in the scale of allowances to "expert and scientific witnesses" in the Appendix, and in like cases the Judge, subject to the provisions of the next rule, may order that the expense of preparing and proving plans, drawings, models, &c., shall be allowed.

184. *Rule 32. Allowance for proof and cost of plans, &c.*] Persons who prepare plans, drawings, models, &c., for the purpose of illustration, and who if called at the trial prove the correctness of such plans, drawings, models, &c., only, shall not be entitled to allowances as expert and scientific witnesses, but shall be allowed for their attendance upon the scale applicable to ordinary witnesses, and there may be also allowed for the preparation of such plans, drawings, models, &c., and of all tracings and copies thereof, the sum reasonably paid for the same so long as it shall not exceed the sums mentioned in item 95 of the scale of costs.

**ORDER LI.—GENERAL PROVISIONS.**

Order LI., Rules 2 and 10, are hereby annulled, and the following Rules shall stand in lieu thereof:

185. *Order LI. Rule 2a. Service on solicitor deemed service on party.*] Where a party acts by solicitor, service of any proceeding or document upon such solicitor, or delivery of the same at his office, or sending the same to him by post prepaid, shall be deemed to be good service upon the

party for whom such solicitor acts, as upon the day when the same is so served or delivered, or upon which in the ordinary course of post it would be delivered, except in cases where by these orders personal service upon a party is required. Provided that the provisions of this rule shall not extend to any default or judgment summons, nor except as provided by Order VII., Rule 9c, to any ordinary summons.

186. *Order LII. Rule 10a. Advertisements for London Gazette.* All advertisements to be inserted in the London Gazette, except as to proceedings under orders XXXIX. or XLI., Rule 9, shall be transmitted by the registrar for insertion to the registrar of County Courts judgments in London.

ORDER LII.—INTERPRETATION OF TERMS.

The definitions of "default summons" and "Ordinary summons" are hereby annulled, and the following shall stand in lieu thereof:

187. *Order LII.* "Default summons" means a summons which is issued on the entry of a plaint, and is required by statute to be served personally;

"Ordinary summons" means a summons which is issued on the entry of a plaint, and is not required by statute to be served personally.

We, Rupert Kettle, Alfred Martineau, Henry J. Stonor, A. Shelly Eddie, and G. Washington Heywood, being Judges of County Courts, appointed to frame Rules and Orders for regulating the Practice of the Courts and Forms of Proceedings therein, having, by virtue of the powers vested in us in this behalf, framed the foregoing Rules and Orders, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

(Signed) RUPERT KETTLE.  
A. MARTINEAU.  
HENRY J. STONOR.  
A. S. EDDIS.  
G. W. HEYWOOD.

Approved (Signed) HALSBURY, C.  
ESHER, M.R.  
NATH. LINDLEY, L.J.  
EDWARD E. KAY, L.J.  
C. E. POLLOCK, B.  
A. L. SMITH, J.

I allow these Rules, which shall come into force on the first day of March, 1892.

(Signed) HALSBURY, C.

APPENDIX.

12a instead of 12.

NOTICE OF NON-SERVICE OF SUMMONS.

Take notice, that the summons [or judgment summons] in Order II., this action has not been served, for the following reason:— Rules 5, 23a.

Dated this day of 18 .  
[Plaintiff.]

Form 14a instead of 14, 15, and 15a.

AFFIDAVIT FOR LEAVE TO ISSUE ORDINARY OR DEFAULT SUMMONS OUT OF JURISDICTION.

I, A.B. [here state name, residence, and occupation of deponent], 51 & 52 Vict. c. 43, ss. 74, 96.

make oath and say as follows:—  
1. That C.D. [of here state name, residence, and occupation of proposed defendant] is justly and truly indebted to me [or to when demand E.F. (here state name, residence, and occupation of the proposed plaintiff)] in the sum of £ for the price of goods sold [or for money lent, or as the case may be].

or That I [or E.F., &c., the proposed plaintiff] claim [or when claim is claims] to be entitled to recover from C.D., &c. (the proposed unliquidated defendant) the sum of £ damages for breach of contract [or as the case may be].

2. That the said C.D., within six months from the date when residence hereof, dwelt or carried on business within the jurisdiction &c., within six months relied on of this Court, that is to say, at in the county

or That the cause of action in respect of which the said C.D. When cause of action or material part is proposed to be sued arose wholly or in some material part at within the county of within the jurisdiction of this Court.

That the material facts relied on as constituting the alleged cause of action or a material part thereof are, that the order for the goods for the price of which [or for non-acceptance of which, or as the case may be] an action is proposed to be brought was given at in the county of within the jurisdiction of this court [or that the said C.D., assaulted me [or the said E.F.] at in the county of within the jurisdiction of this Court, or as the case may be].

3. And I further say that I am a person in the employ of the said E.F. [or as the case may be], and that the facts herein deposed to are within my own knowledge, and that I am duly authorised by the said E.F. to make this affidavit.

4. And I further say that the said C.D. is not a domestic or menial servant, a labourer, a servant in husbandry, a journeyman, an artificer, a handicraftsman, a miner, or a person engaged in manual labour.

5. And I further say that my [or the plaintiff's] claim is for To be added the price [or value or hire] of goods which, or some part of where a default

which, were sold and delivered [or let on hire] to the said C.D. summons is to be used or dealt with in the way of his trade [or profession or calling] of a [state the trade, profession, or calling].

Order to be placed at the foot.

proposed to be issued and the claim does not exceed £5.

I do order that the above-named be at liberty to enter a plaint in this Court against the above-named Registrar.

Form 14b.

AFFIDAVIT OF DEBT.

I, A.B. [here state name, residence, and occupation of deponent], 51 & 52 Vict. c. 43, ss. 86.

make oath and say as follows:—  
1. That C.D. of [here state name, residence, and occupation of proposed defendant] is justly and truly indebted to me [or to E.F. (here state name, residence, and occupation of the proposed plaintiff)] in the sum of £ for the price of goods sold [or for money lent, or as the case may be].

2. That my [or the plaintiff's] claim is for the price [or To be added value or hire] of goods which, or some part of which, were sold or delivered [or let on hire] to the said C.D., to be used or dealt with in the way of his trade [or profession or calling] does not exceed £5.

3. That I am a person in the employ of the said E.F. [or To be added as the case may be], and that the facts herein deposed to are within my own knowledge, and that I am duly authorised by the said E.F. to make this affidavit.

Form 16a instead of 16.

DEFAULT SUMMONS UNDER SECT. 86 OF THE COUNTY COURTS ACT, 1888.

[Heading and conclusion as in ordinary summons, No. 11].

Take notice, that unless within eight days after the personal service of this summons on you, inclusive of the day of such service, you return to the Registrar of this Court at [place of office] the notice given below, dated and signed by

£ s. d.

Claim ... ... ... ...  
Fee for plaint ... ... ... ...  
Solicitor's costs ... ... ... ...  
Total amount to be paid and costs ... ... ... ...

of such claim than the affidavit filed in Court herein, proceed to judgment and execution. If you return such notice to the Registrar within the time specified, the Registrar will send you by post notice of the day upon which the action will be tried.

See below.

[N.B.—This summons must be served within a period of twelve months from the date thereof, or within such extended period as may be allowed.]

NOTICE OF INTENTION TO DEFEND.

[To be at foot of Summons.]

No. of Plaintiff.

In the County Court of\*

\*A.B. v. C.D.

holden at

I intend to defend this action.

Dated this day of

, 18 .

(†) Defendant.

\*(To be filled in by Registrar previous to issue of summons.)

SEE BACK.

[To be indorsed on the Summons.]

If you pay the debt and costs, as per margin on the other side, into the Registrar's office, before the expiration of eight days from the date of service of this summons, inclusive of the day of such service, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will save half the hearing fee, and the order upon such judgment will be to pay the debt and costs forthwith [or by instalments, (to be specified as in Plaintiff's written consent)].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the Registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the Plaintiff proves at the trial an amount exceeding your payment.

If you intend to dispute the Plaintiff's claim on any of the following grounds,—

1. That the Plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;

(\*) Here must be signed the name of Defendant or of his solicitor, and in the latter case the words "solicitor for," together with his address, must be prefixed.

5. That you have been discharged from the Plaintiff's claim under a Bankrupt or Insolvent Act;  
 6. That you have already tendered to the Plaintiff what is due, and that he refused to accept it;  
 7. That you have a statutory defence;  
 8. That you have an equitable defence;

You must also, at any time not less than five clear days before the return day, give notice of such special defence; and such last-mentioned notice must contain the particulars required by the County Court Rules; and you must deliver to the Registrar as many copies of such notice as there are Plaintiffs, and an additional copy for the use of the Court. If your defence be a set-off, you must, with the notice thereof, also deliver to the Registrar a statement of the particulars thereof. If your defence be a tender, you must pay into Court the amount tendered at the time of filing notice.

Summons for witnesses and for the production of documents by them will be issued upon application at the office of the Registrar of this Court upon payment of the proper fee.

**NOTE.**—This summons is to be printed on a half sheet of salmon-tinted foolscap paper (14 lbs. or thereabouts), with the "Notice of intention to defend" separated by a perforated line, so that it may be torn off for transmission to the Registrar.

Form 17A instead of 17.

**DEFAULT SUMMONS UNDER "THE SUMMARY PROCEDURE ON BILLS OF EXCHANGE ACT, 1855."**

[Heading and conclusion as in ordinary summons, No. 11.]  
 Take notice that unless within twelve days after the service of this summons on you, inclusive of the day of such service, 18 & 19 Vict. c. 67. Order VII., Rule 2.  
 you obtain leave from the Judge or Registrar of this Court to defend this action the Plaintiff may proceed to judgment and execution.

The Plaintiff's claim is for £ on a bill of exchange [or promissory note], the particulars whereof are hereunto annexed, and the sum of £ for Court fees [and for solicitor's costs herein]: And if the amount thereof be paid to the Registrar of the Court within four days from the service hereof, no further proceedings will be taken.

Leave to defend may be obtained upon application at the office of the Registrar of this Court, supported by affidavits, showing that there is a defence to the action on the merits, or disclosing facts showing that it is reasonable that the Defendant should be allowed to defend the action.

[N.B.—This summons must be personally served on the Defendant within twelve calendar months from the date thereof, and not afterwards.]

Form 17B.

**PARTICULARS IN ACTION UNDER "THE SUMMARY PROCEDURE ON BILLS OF EXCHANGE ACT, 1855."**  
 [Heading and conclusion as in Form 1.]

The Plaintiff claims £ for principal and interest [or balance of principal and interest] due to him as the Order VI., Rule 1a.  
 payee [or indorsee] of a bill of exchange [or promissory note] Rule 1c.  
 of which the following is a copy.  
 [Here copy bill of exchange or promissory note and all indorsements upon it.]

And also shillings for noting and bank expenses [if paid].

Form 38A instead of 38.

**NOTICE TO PLAINTIFF OF PAYMENT INTO COURT.**  
 I hereby give you notice, that A.B., the Defendant [or garnishee] has paid into Court the sum of £ under Order XXIII., Rule 9a.  
 the judgment [or garnishee summons] obtained by you Rule 6.  
 against him.

[If the money is paid into Court by a garnishee add: If you elect to accept the sum paid into Court as a satisfaction of your claim against the garnishee, you must, in order to save costs, send a written notice of acceptance to the registrar and to the garnishee within 48 hours after receipt of this notice.]

[N.B.—Upon your applying for the above amount it will be necessary that you should produce or send the plaintiff-note given to you on the entry of the plaintiff.]

Form 50A.

**MEMORANDUM TO BE PRINTED AT THE FOOT OF EVERY JUDGMENT SUMMONS ISSUED PURSUANT TO ORDER XXV., RULE 14a, FOR SERVICE OUT OF THE DISTRICT.**

**NOTE.**—By Order XXV., Rule 21, of the County Court Rules, it is provided as follows:—

Where a judgment-creditor issuing a judgment-summons, or a judgment-debtor summoned to appear by a judgment-summons, does not reside within the district of the Court in which the summons is to be heard, he may forward to the registrar of the Court from which the summons issued an affidavit, setting forth any facts which he may wish to be before the Court prior to any order being made on the summons. And the Judge may, if he shall think fit, on the

hearing of the judgment-summons admit the affidavit as the evidence of the person by whom the same is made.

Form 52A instead of 52.

**AFFIDAVIT TO OBTAIN LEAVE TO ISSUE JUDGMENT SUMMONS.**

I, A.B., of [state name, residence, and occupation], make oath and say Rule 14a.  
 as follows:

1. On the day of 18, [I, or] the Plaintiff obtained judgment [or an order] in this Court for the sum of £ [or for £ including costs] against the Defendant, C.D., and the same [or £ part thereof] is still unsatisfied [and instalments of £ are now in arrear].

2. The Defendant, C.D., was [or was not] at the date of the entry of the plaint in the action in which the judgment [or order] was obtained living or carrying on business within the jurisdiction of this Court.

3. The Defendant, C.D., now lives at in a house [or shop] apparently of the yearly rent or value of £

4. The Defendant, C.D., carries on the business of a [state] If a master. what] at [state where and any circumstances showing that the business is profitable or that he has means to pay].

or 4. The Defendant, C.D., is now employed as a [state] If a workman. at [state the name and place of business of his employer if known] and earns per week.

5. The Defendant, C.D., is unmarried [or is married and has (state how many) children, of whom (state how many) work and earn wages.]

Form 52B

**AFFIDAVIT OF SERVICE OF JUDGMENT SUMMONS.**

I, A.B., of [state name, residence, and occupation] the above-Order XXV., named Plaintiff [or clerk, servant, agent, or solicitor to the Rule 20a. above-named Plaintiff] make an oath and say:

That I did on the day of 18, at [state the place of service exactly, as 22, King Street, Croydon, the residence of C.D., the above-named Defendant, or the place of business of E.F., the employer of the above-named Defendant] duly serve C.D., the above-named Defendant, with a judgment summons, a true copy whereof is hereunto annexed, marked A., by delivering the same personally to the said Defendant.

[Indorse the copy judgment summons thus:—This paper, marked A., is the paper referred to in the annexed affidavit.]

Form 105A instead of 105.

**NOTICE BY DEFENDANT TO THIRD PARTY.**

To Mr. X.Y., of [address and description].

Take notice, that this action has been brought by the Plaintiff against the Defendant [as surety for M.N., upon a bond conditioned for payment of 20l. and interest to the Plaintiff].

The Defendant claims to be entitled to contribution from you to the extent of one half of any sum which the Plaintiff may recover against him, on the ground that you are his co-surety under the said bond [or, also surety for the said M.N., in respect of the said matter, under another bond made by you in favour of the said Plaintiff, dated the day of 18.]

[Or, as acceptor of a bill of exchange for 50l., dated the day of 18, drawn by you upon and accepted by the Defendant, and payable three months after date.]

The Defendant claims to be indemnified by you against liability under the said bill, on the ground that it was accepted for your accommodation.]

[Or, to recover damages for a breach of a contract for the sale and delivery to the Plaintiff of 100 tons of coal.]

The Defendant claims to be indemnified by you against liability in respect of the said contract, or any breach thereof, on the ground that it was made by him on your behalf and as your agent.

And take notice that if you wish to dispute the Plaintiff's claim in this action as against the Defendant C.D., or your liability to the Defendant C.D., you must appear at this Court on the return day of the summons in this action, a copy of which summons is hereunto annexed.

In default of your so appearing you will be deemed to admit the validity of any judgment obtained against the Defendant C.D. in this action, whether obtained by consent or otherwise, and your own liability to contribute or indemnify to the extent herein claimed.

(Signed) C.D.

Or,  
 L.M.  
 Solicitor for the Defendant  
 C.D.

Form 115A instead of 115.  
**ORDER TO PROCEED AFTER DEATH OF A PLAINTIFF AFTER JUDGMENT.**

Upon reading the affidavit of E.F., the executor of A.B., the Plaintiff in this action, Rule 9a, it is ordered

who has died since judgment, be substituted as Plaintiff for the original Plaintiff, and that the said *E.F.* be at liberty to issue execution against *C.D.*, the Defendant [or take any such proceedings against *C.D.* as the deceased Plaintiff was entitled to take against him], for the amount of the unsatisfied judgment and costs, [or that the question whether *E.F.*, the executor of *A.B.*, the original Plaintiff now deceased, is entitled to recover the amount of the judgment obtained against *C.D.*, the Defendant, and costs shall be tried by action to be commenced by Plaintiff in the ordinary way, wherein the said *E.F.* shall be Plaintiff and the said *C.D.* Defendant.

Judge or Registrar.

Form 115B.

ORDER TO PROCEED AFTER CHANGE OF INTEREST BY ASSIGNMENT OR OTHERWISE AFTER JUDGMENT.

Upon reading the affidavit of [as the case may be] of the judgment [or Rule 9a. obtained by *A.B.*, the Plaintiff [or *C.D.*, the Defendant, as the case may be] in this action be substituted as Plaintiff [or Defendant] in the name and by the description of *E.F.*, of, &c., the assignee of *A.B.*, [or *C.D.*, the Defendant], of, &c.] and that the said *E.F.*, in and by such name and description be at liberty to [issue execution or take any such proceedings against *C.D.*, the Defendant [or *A.B.*, the Plaintiff], as the said *A.B.*, the Plaintiff [or *C.D.*, the Defendant] was entitled to take against him [or that the question whether the said *E.F.*, the assignee is entitled to the benefit of the judgment [or order] obtained by *A.B.*, the Plaintiff] or *C.D.*, the Defendant] against *C.D.*, the Defendant [or *A.B.*, the Plaintiff] shall be tried by action to be commenced by Plaintiff in the ordinary way, wherein the said *E.F.*, by such name and description as aforesaid, shall be Plaintiff and the said *C.D.* [or the said *A.B.*] Defendant.

Judge or Registrar.

N.B.—No proceedings under a judgment or order, either by judgment summons or otherwise, are sanctioned by the rules after any change of interest in the parties entitled to the benefit of the judgment or order without an order in one of the above forms.

Form 145A instead of 145.

SUMMONS TO WITNESS TO GIVE EVIDENCE.

You are hereby required to attend at [the court house in Order XVIII., on the day of ] on the day of 18, at the hour of of in the noon, and so from day to day, until the above action is tried, to give evidence in the above action on behalf of the [Plaintiff or Defendant, as the case may be].

In default of your attendance you will be liable to a penalty of 10%.

Dated this day of 18. Registrar of the Court.

To

Form 146A instead of 146.

SUMMONS TO WITNESS TO PRODUCE DOCUMENTS.

You are hereby required to attend at [the court house in Order XVIII., on the day of ] on the day of 18, at the hour of in the noon, and so from day to day, until the above action is tried, to give evidence on behalf of and also to bring with you and produce the several documents hereunder specified [and all other books, papers, writings, and other documents relating to the above action, which may be in your custody, possession, or power]. In default of your attendance you will be liable to a penalty of 10%.

Dated this day of 18. Registrar of the Court.

To

[Here insert list of documents required to be produced.]

AFFIDAVIT FOR LEAVE TO SUMMON GARNISHEE.

I, *A.B.*, of in the county of [or I, Order XXVIA., Rules 1, 2. *C.D.*, of, &c., solicitor to] the above named Plaintiff, make oath and say:

1. That I [or *A.B.*] on the day of recovered judgment [or obtained an order] in the county court of , holden at , in this action [or matter] against the above-named Defendant for the sum of £ , debt and costs [or for payment of the sum of £ and £ for costs].

2. That the said judgment is still wholly unsatisfied [or is still unsatisfied as to the sum of £ ]. [or 2. That the whole [or £ part] of the sum payable under the said order is still unsatisfied].

3. That *M.N.*, of in the county of is indebted to the Defendant in the sum of £ .

4. That the said *M.N.* resides or carries on business within the district of this honourable Court [or that the cause of action between the said Defendant and the said *M.N.* arose

wholly or in part within the district of this honourable Court, or that the said *M.N.* dwelt or carried on business within the district of this honourable Court within six calendar months of this the day of 18.]

Sworn, &c.

Form 156A instead of 156.

SUMMONS TO GARNISHEE.

Between *A.B.*, Plaintiff,

(Address and description)

and

*C.D.*, Defendant,

(Address and description)

and

*M.N.*, Garnishee,

(Address and description).

Whereas the Plaintiff at a Court helden at on Order XXVIA., Rules 1, 2, the day of 18, obtained a judgment [or an order] against *C.D.*, of [name, address, and description] for [or for payment of] the sum of for and costs, which judgment [or order] remains unsatisfied. And whereas the Plaintiff having filed an affidavit stating that you are indebted to the said *C.D.*, you are hereby summoned to appear at a Court to be helden at on the day of 18, at the hour of in the noon, to show cause why an order should not be made upon you for the payment of the amount of the said judgment [or payable under the said order] or so much thereof as shall equal the amount of the debts due and owing and accruing from you to the said *C.D.*.

And take notice, that from and after the service of the summons upon you all such debts are attached to answer the said judgment [or order], and that if you shall pay the said debts to the said *C.D.*, or otherwise dispose of them, you will be liable to be committed for contempt.

And further take notice, that if you shall pay to the Registrar of the Court the amount of such debts, or so much thereof as will satisfy the debt under the judgment or order, five clear days before the day upon which you are required to appear, you will incur no costs.

Registrar.

To the garnishee.

Form 157A instead of 157.

JUDGMENT AGAINST GARNISHEE.

Whereas the Plaintiff at a Court helden at on Order XXVIA., Rules 7, 8, the day of 18, obtained a judgment [or an order] against *C.D.*, of for [or for payment of] the sum of £ for and for costs, and which judgment [or order] remains now unsatisfied. And whereas the Plaintiff having filed an affidavit stating that the said *M.N.* was indebted to the said *C.D.*, the said *M.N.* was summoned to show cause why he should not be ordered to pay the amount of the said judgment [or payable under the said order], or so much thereof as should equal the amount of the debts due and owing and accruing from him to the said *C.D.*; and the said *M.N.* having failed to appear before the Court this day [or appeared before the Court this day, and having failed to show cause why he should not be ordered to pay such debts or having shown sufficient cause why he should not be ordered to pay such debts]:

It is ordered, that the Plaintiff do recover against the said *M.N.* the sum of £ [here insert the amount of the debt under the judgment or order, or so much thereof as the debts amount to when the same are less than the debt under the judgment or order], and £ for costs, amounting together to the sum of £ [or that the Plaintiff do pay the sum of £ for the costs of the said *M.N.*].

It is ordered that the said *M.N.* [or Plaintiff] do pay the same to the Registrar of the Court on the day of 18, [or, where judgment for Plaintiff, and the Judge so orders, by instalments of for every days; the first instalment to be paid on the day of 18.]

Form 169A.

NOTICE OF APPLICATION FOR SALE OF GOODS OTHERWISE THAN BY AUCTION.

Take notice that I, the undersigned *A.B.*, the execution creditor [or execution debtor] herein, shall on the day of at o'clock in the noon, at [state where application will be made] apply to his Honour the Judge [or to the Registrar] of this Court for an order that a sale of the goods seized under the execution herein may be made otherwise than by public auction, that is to say [e.g., by private sale to (state name of intending purchaser if known)].

46 & 47 Vict. c. 52, s. 145.1  
c. 53 & 54 Vict. c. 53 & 54 Vict.  
c. 71, s. 2. Order XXVIA., Rule 12a.

The grounds of the application are as follows [state the grounds].

A.B.

To the high bailiff and to E.F., G.H., &c. [name the other persons to be served].

Form 292A instead of 292.

NOTICE TO BE INDORSED ON ORDER UNDER ORDER XXXV., RULE 40a.

To A.B., of

Take notice, that, unless you obey the directions contained in this order, you will be guilty of a contempt of Court and be liable to be committed to prison.

Dated this day of 18

Registrar.

Form 294A instead of 294 and 295.

ORDER OF COMMITAL FOR BREACH OF OR NEGLECT TO OBEY ORDER.

Whereas by an order of this Court, dated the day of 18 [here recite the order]: Now, upon the application of the Plaintiff, and upon hearing the Defendant [or if the Defendant does not appear, reading the affidavit of X. F., or where service has been by bailiff, the endorsement of L.M., a bailiff of this Court, or the county court of helden at , showing (or being satisfied on oath) that a copy of the said order and notice of this application have been severally served upon the Defendant C.D.,] and upon reading the affidavit of, &c. [or such other evidence as may have been given], the Court being of opinion, upon consideration of the facts disclosed by the said affidavit [or affidavits or such other evidence as may have been given], that the said Defendant C.D. has been guilty of a contempt of this Court by a breach of [or by neglecting to obey] the said order, that is to say, by [here set out the particular matter of contempt], doth order that the said Defendant C.D. do stand committed to [here insert prison used by the Court] for his said contempt, and that a warrant of attachment for the arrest of the said C.D. be forthwith issued.

It is further ordered that any application for his release from custody shall be made to the Judge.

Form 311A instead of 311.

NOTICE TO A RESPONDENT UNDER THE AGRICULTURAL HOLDINGS (ENGLAND) ACT, 1883.

The Agricultural Holdings (England) Act, 1883.

In the County Court of holden at  
Between A.B., Appellant,  
and  
C.D., Respondent.

Take notice, that you are required within seven days of the 48 & 47 Vict. delivery of this notice to you to file in Court a statement, c. 61, signed by you or your solicitor, in reply to the grounds of appeal sent herewith, and that your statement must disclose the following matters:

- (1.) Whether you dispute the validity in law of all or any and which of the grounds of objection to the award:
- (2.) Whether you dispute the truth in fact of all or any and which of the grounds of appeal:
- (3.) Whether you admit the validity in law and truth in fact of all or any and which of the grounds of appeal:
- (4.) Whether you pray that the case may be remitted to be re-heard.
- (5.) Your name and address, and that of your solicitor, if the statement be delivered through a solicitor.

Dated this day of 18 .

Registrar of the Court.

To the above-named Respondent.

Form 322A.

AFFIDAVIT OF JUSTIFICATION.

Admiralty Jurisdiction.  
In the County Court of

, holden at Order XXXIXB., Rule 25.

No. The " " Between Plaintiffs,  
and Defendants.  
I, of (add description) one of the proposed sureties for make oath and say that I am worth more than the sum of pounds after the payment of all my debts.

Sworn at  
in the county of  
this day of  
1891  
Before me

A Commissioner for Oaths.

Form 322B.

NOTICE OF BAIL.

Admiralty Jurisdiction.

In the County Court of , holden at Order XXXIXB., Rule 27.

No. The " " Between and

Plaintiff,  
Defendant.

Take notice that bail has been given in the sum of £ to answer judgment in this action by and that such bail has been taken before a Commissioner, to administer Oaths in the Supreme Court of Judicature.

Dated this day of 1891  
Yours, &c.,

Solicitor for the

To

Solicitor or Agent.

Form 322C.

AFFIDAVIT OF SERVICE OF NOTICE OF BAIL.

Admiralty Jurisdiction.

In the County Court of , holden at Order XXXIXB., Rule 27.

No. The " " Between and

Plaintiff.  
Defendant.

I, of , in the of , clerk to of the same place, solicitor for the in this action, make oath and say as follows:  
That I did on the day of 1891, at of the clock in the noon serve on solicitor or agent for the a notice of bail in the words and figures following, viz.:

(Copy notice of bail, omitting heading).

Sworn at  
in the county of  
this day of  
1891  
Before me

A Commissioner for Oaths.

Form 322D.

ADMISSION OF LIABILITY.

Admiralty Jurisdiction.

In the County Court of , holden at Order XXXIXB., Rule 63.

No. The " "

We, the undersigned, solicitors for the Defendants, hereby admit the liability of the Defendants for the collision in question in this action, and consent to a reference to ascertain the amount of damages and interest due to the Plaintiff.

Dated this day of 1891  
To Mr.

Yours, &c.,

Plaintiff's Solicitor. Defendant's Solicitor.

Form 322E.

CONSENT TO ORDER.

Admiralty Jurisdiction.  
In the County Court of , holden at Order XXXIXB., Rule 74.  
We, the undersigned, solicitors for the Plaintiff and Defendant respectively, hereby consent to an order for

Dated this day of 1891

Plaintiff's solicitor.  
Defendant's solicitor.

Form 322F.

REGISTRAR'S REPORT.

Admiralty Jurisdiction.

In the County Court of , holden at Order XXXIXB., Rule 70.

No.

The " "

Whereas by decree in this action, dated the day of , 189 , (or by consent of the parties upon an admission of liability, or as the case may be), the damages recoverable by the Plaintiff (or by the Defendant on his counter-claim) have been referred to me and (if so) to two mercantile assessors to report the amount thereof.

Now, I hereby report that I have, with the assistance of Messrs. and the assessors appointed, carefully examined the claim and vouchers filed in this action, and having heard evidence on affidavit and *verbis vocis* (or as the case may be) on behalf of the Plaintiff and Defendant, I find that the Defendant is indebted to the Plaintiff (or vice versa) in the sum of £ , as shown by the schedule hereto annexed, which sets forth in separate columns the several amounts claimed and the amounts which I, in conjunction with the said assessors, consider justly due to him in respect to each item.

I am of opinion that interest on the said sum of £ at the rate of 4% per cent. per annum from the day of , 189 , should be allowed on the said sum of £ until the date of payment.

I am further of opinion that the costs of the reference should be paid by the Defendant (or Plaintiff). (If for any special reasons add reasons.)

Dated this day of , 189 .  
(Registrar's signature).

## SCHEDULE TO REPORT.

	Claimed	Allowed
1. Shipwright's bill -	-	-
2. Noting protest -	-	-
3. Extending protest -	-	-
4. Survey fees -	-	-
5. Examination before receiver of wreck -	-	-
6. Demurrage or damages for detention of the ship of tons register, from the day of 189 , to the day of 189 , days at £ per diem -	-	-
(Add any other items.)	£	£

Together with interest.

(Registrar's signature).

## C O S T S .

## LOWER SCALE.

COSTS to be paid to SOLICITORS in ACTIONS and MATTERS, as well between PARTY and PARTY as between SOLICITOR and CLIENT, where the AMOUNT RECOVERED exceeds 2l. and does not exceed 10l.

1.

Where the particulars and copies are signed pursuant to Order VI., Rule 10a, and the amount claimed exceeds 2l. and does not exceed 5l., there may be entered upon an ordinary summons, and upon a default summons, FOUR SHILLINGS, unless the latter is to be served by a solicitor, when SEVEN SHILLINGS shall be entered.

2.

Where the particulars and copies are signed by a solicitor, and the amount claimed exceeds 5l. and does not exceed 10l., there may be entered upon an ordinary summons, and upon a default summons, EIGHT SHILLINGS, unless the latter is to be served by a solicitor, when THIRTEEN SHILLINGS shall be entered.

3.

Where the amount recovered exceeds £2 and does not exceed £5, a solicitor for a plaintiff shall be allowed for preparing for and attending trial, or upon an application for a new trial, SEVEN SHILLINGS, and, where the sum recovered exceeds £5 and does not exceed £10, TEN SHILLINGS.

4.

Where the action is withdrawn, or the amount claimed is paid into court less than five clear days before the return day, there may, if the Judge or registrar so orders, be allowed to the solicitor, upon his application, FIVE SHILLINGS, or such portion of the fees for preparing for and attending trial as the Judge or registrar may under the circumstances direct.

5.

Where the amount claimed exceeds £2 and does not exceed £10, there shall be allowed to a solicitor, for entering up judgment on a default summons, or under Order IX., Rule 4, THREE SHILLINGS AND FOURPENCE.

6.

Where the amount claimed exceeds £2 and does not exceed £5, the solicitor shall be allowed, for instructions preparing defence and attending trial, TEN SHILLINGS, and, where the sum claimed exceeds £5 and does not exceed £10, FIFTEEN SHILLINGS, or upon an application for a new trial, SEVEN OF TEN SHILLINGS, according to the amount claimed.

7.

Where the action is tried by the Judge with or without a jury, the costs of preparing for and attending trial may be increased to a sum not exceeding

ing ONE POUND, on a special order of the Judge in such action to be entered in the Minute Book.

8.

The Judge may in like actions by special order to be entered in the Minute Book allow a fee of £1 3s. 6d. for the employment of a Counsel.

9.

Where a trial is adjourned by the Court for want of time, one half of the fees mentioned in clauses three and six may be allowed in respect of that day's attendance if the Judge or registrar shall so direct.

10.

In the case of a plaintiff where the amount recovered, or in the case of a defendant where the amount claimed, exceeds £2 and does not exceed £5, the solicitor shall be allowed for attending Court when the action is referred THREE SHILLINGS, for attending before the arbitrator TEN SHILLINGS, and for attending Court entering judgment upon the award THREE SHILLINGS, and where the amount claimed or recovered exceeds £5 and does not exceed £10 the sums of SIX SHILLINGS, FIFTEEN SHILLINGS, and SIX SHILLINGS respectively shall be allowed.

N.B.—No other costs are to be allowed than the above where the amount claimed does not exceed £10, unless the Judge certifies under section 119 of the County Courts Act, 1888, or otherwise orders pursuant to Order 1A.

## HIGHER SCALE.

COSTS to be paid to SOLICITORS in ACTIONS and MATTERS, as well between PARTY and PARTY as between SOLICITOR and CLIENT, where the SUBJECT MATTER or the SUM RECOVERED exceeds £10.

Where the Subject Matter or the Sum recovered exceeds		
£ s. d.	£ s. d.	£ s. d.
10 0 0	20 0 0	Exceeds
and does not exceed		50 0 0
20 0 0	50 0 0	
A.	B.	C.

## Plaint, Particulars, Summons, and Notices.

	£ s. d.	£ s. d.	£ s. d.
1. Preparing particulars of claim or counter claim where the claim is a liquidated demand, including necessary copies: provided that such particulars and copies are signed pursuant to Order VI., Rule 10a -	0 4 0	0 7 0	0 10 0
2. The like in all other claims -	0 6 0	0 12 0	1 1 0
3. Drawing petition, per folio -	0 1 0	0 1 0	0 1 0
Not exceeding, except by order of the Judge -	0 10 0	1 5 0	1 5 0
4. Preparing further particulars, when same required by defendant under Order VI., Rule 8, or by plaintiff, under Order X., Rule 11, including copy to file -	0 2 0	0 3 0	0 5 0
Or per folio -	0 0 8	0 0 8	0 1 0
5. Summons or subpoena to witness, including attending for leave to serve and sealing -	...	0 3 0	0 5 0
Or per folio beyond four -	...	...	0 0 8
6. Summons in chambers, including sealing copy to file and one copy for service -	...	0 3 0	0 3 0

## Notices.

7. Preparing notice to produce or admit, or to admit facts, and one copy -	0 3 0	0 4 0	0 5 0
8. If special or necessarily long, such allowance as the Registrar shall think proper, not exceeding per folio -	...	0 0 8	0 0 8
9. For preparing notice of motion to the Court, including copies to file and serve -	0 4 0	0 5 0	0 6 0
10. If necessarily exceeding five folios, at per folio, including copies to file and serve -	...	0 1 0	0 1 0
11. For preparing notice of any application to Judge or Registrar, when required, not being ex parte, including copies to file and serve -	...	0 3 0	0 5 0
12. For preparing any other necessary or proper notice, or demand, not otherwise provided for, including copies to file and serve -	...	0 1 6	0 1 6
13. Or if special, and necessarily exceeding three folios, there may be allowed in the Registrar's discretion, for each folio beyond three, including copy to file	...	0 1 0	0 1 0

<i>Service.</i>	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
14. Service of a summons (not being a judgment summons), order, notice, or document required by statute or rule or by order to be served personally, including copy	0 5 0	0 5 0	0 5 0	34. Brief on trial of action or matter where counsel employed, including necessary and proper observations, per folio	0 1 0	0 1 0	0 1 0
15. If served at a distance of more than two miles from the nearest place of business of the solicitor serving the same, for each mile beyond such two miles therefrom, but not to exceed 10 miles	0 0 6	0 0 6	0 1 0	35. Brief on any motion, application, or upon further consideration, when counsel allowed by Judge	0 10 0	0 6 8	0 13 4
16. Where in consequence of the distance of the party to be served, it is proper to effect service through an agent, for correspondence, in addition	...	0 7 0	0 7 0	36. Interrogatories or answers thereto, including copy to file	0 2 6	0 5 0	0 6 8
17. When substituted service ordered, in addition, to include all costs of attendances, making appointment to serve, drawing, engrossing, attending to swear, and to file all affidavits, and the fees paid for oath, and obtaining order, not exceeding	0 10 0	1 0 0	1 5 0	Or per folio	0 0 6	0 1 0	0 1 0
18. Service of any summons, subpoena, interrogatories, order, notice, or demand, if not authorised to be served by post	...	0 2 6	0 2 6	37. Affidavit of documents, or any other special affidavit, including engrossing	0 2 6	0 5 0	0 5 0
19. If authorised to be served by post	...	0 1 6	0 1 6	Or per folio	0 0 6	0 1 0	0 1 0
<i>Instructions.</i>				38. Affidavit of debt under sec. 86 of County Courts Act, 1888, or Order XXVI. or Order IX., Rule 8, including engrossing, attending deponent to be sworn, oath, and filing	0 4 0	0 6 8	0 6 8
20. To sue or defend, or to prefer, or oppose claim in interpleader proceedings, or for a petition, or for a garnishee summons	0 3 4	0 6 8	0 13 4	39. Affidavit, when required, of personal service of a summons, notice, or document, including engrossing, attending to be sworn, oath, and filing	0 3 4	0 5 0	0 6 8
21. For counter claim	0 3 4	0 6 8	0 13 4	40. Affidavit, when required, of service of summons to witness, subpoena, or of any notice under Order XVIII., Rule 6, including engrossing, attending to be sworn, oath, and to file	0 2 0	0 2 0	0 3 4
22. For interrogatories	...	0 6 8	0 6 8	41. Accounts, statements, and other documents for use in Chambers when required, or in Court when required by Judge, including fair copy to leave, per folio	...	0 0 8	0 0 8
23. For affidavit in answer to interrogatories or other special affidavits	...	0 6 8	0 6 8	42. Bill of costs for taxation, including copy for Registrar, per folio	0 0 4	0 0 8	0 0 8
<i>Note.</i> —The charge for special affidavits is not to be allowed, if in the opinion of the Registrar, the facts upon which the affidavits are founded had already become known to the solicitor or his clerks in course of the business.				<i>Copies.</i>			
24. For confession of debt or claim by defendant and attesting signature thereto	...	0 6 8	0 6 8	43. Of necessary documents to accompany brief, per folio	...	0 0 4	0 0 4
25. For application to add parties	...	0 3 4	0 6 8	44. Where no provision is made herein that the fee for preparing, drawing, or serving any document is to include copies thereof for each copy the Registrar may consider necessary, per folio	...	0 0 4	0 0 4
26. For counsel to advise on evidence	...	0 3 4	0 6 8				
27. For brief on interlocutory motion or application where counsel allowed	...	0 6 8	0 6 8	<i>Perusal.</i>			
28. For brief on trial of action or matter, where counsel employed, such fee as the registrar may think fit, having regard to all the circumstances of the case	...	0 10 6	1 1 0	45. Of particulars of claim or counter-claim, further particulars delivered under Order VI., Rule 8, or special defence by the solicitor of the party to whom the same are delivered	...	0 3 4	0 6 8
<i>Note.</i> —Great care must be exercised in assessing this item, <i>see</i> Order L.A., Rule 20.	0 2 0	0 3 4	0 6 8	Or per folio	...	0 0 4	0 0 4
29. Examining and taking minutes of evidence where no counsel employed, for each witness afterwards allowed on taxation	0 0 6	0 1 0	0 1 0	46. Of any petition	...	0 3 4	0 6 8
30. If exceeding six folios, for each additional folio	...	1 1 0	2 2 0	Or per folio	...	0 0 4	0 0 4
31. In the cases mentioned in Order L.A., Rule 7, where no counsel employed, if the Judge so orders, in addition to items 29 or 30, for preparation of minutes of fact or argument				47. Of interrogatories by the solicitor of the party by whom the same are to be answered	0 4 0	0 6 8	0 6 8
<i>Drawing.</i>				Or per folio	...	0 0 4	0 0 4
<i>Note.</i> —The matter of all documents should be necessary and relevant, and expressed without prolixity, and the costs of all unnecessary, irrelevant, and prolix matter must be disallowed.				48. Of notice to produce or admit or to admit facts by the solicitor of the party served	...	0 5 0	0 6 8
32. Notice and particulars of special defence or admission of facts, or any statement under the Agricultural Holdings Act, including necessary copies	0 3 0	0 5 0	0 6 8	49. Of notice of defendant's claim against any person not a party to the action, under Order XI.	...	0 3 4	0 6 8
Or per folio beyond three	...	0 1 0	0 1 0	50. Of any claim, defence, or counter-claim, when served on a person not originally a party to the action, by the solicitor of the party, served therewith	...	0 3 4	0 6 8
33. Draft of order under Order XII., Rule 7, including copy to file	...	0 3 0	0 5 0	Or per folio	...	0 0 4	0 0 4
Or per folio	...	0 0 8	0 0 8	51. Of affidavit in answer to interrogatories by the solicitor of the party interrogating, per folio	...	0 0 4	0 0 4
				52. Of other special affidavits by the solicitor of the party against whom the same can be read, per folio	...	0 0 4	0 0 4
				53. Draft of special order or judgment when prepared by Registrar	...	0 3 4	0 6 8
				Or per folio	...	0 0 4	0 0 4
				<i>Attendances.</i>			
				<i>Note.</i> —More than one attendance at			



Expert and Scientific Witnesses.									
	£	s.	d.	£	s.	d.	£	s.	d.
88. Where the trial is commenced, but not concluded, on the day on which it is first heard, or is adjourned for want of time, for each day or part of a day on which it is afterwards heard a refresher may be allowed, unless the Judge otherwise orders	1	3	6	1	3	6	2	4	6
					1	3	6	2	4
						to	to		
						2	4	6	3
							3	5	6
89. Where trial is adjourned upon payment of the costs of the day, there may be allowed as part of such costs	1	3	6	1	3	6	2	4	6
						to	to		
						2	4	6	3
							3	5	6
90. With brief on further consideration or argument	1	3	6	1	3	6	2	4	6
						to	to		
						2	4	6	3
							3	5	6
91. With brief on any interlocutory motion or application if Judge certifies for counsel	...	1	3	6	2	4	6		
92. With brief before an arbitrator, or on an inquiry or Admiralty reference before the Registrar, if Judge certifies for counsel, not exceeding	...	2	4	6	3	5	6		
<i>Note.—</i> This fee is not to be allowed, if the reference or inquiry was directed at the trial, and counsel was then instructed. A refresher may be allowed instead pursuant to item 88.									
93. In the cases mentioned in Order I.A., Rule 7, for settling petition particulars, statement of defence, interrogatories, or other matters required in the course of any action or matter, if allowed by order of the Judge	...	1	3	6	1	3	6		
						to			
						2	4	6	
94. Advising on evidence, if allowed by order of the Judge	...	1	3	6	2	4	6		
<i>Plans, Models, &amp;c.</i>									
95. Plans, charts, or models for use of Judge at trial, if allowed by order of Judge, not exceeding in the whole	1	1	0	2	2	0	3	3	0
<i>Letters, &amp;c.</i>									
96. Letter before action	0	3	6	0	3	6	0	3	6
97. Letters in lieu of attendance which could be properly allowed under item 63	0	3	6	0	3	6			
98. Circular letters	0	1	0	0	1	0	0	1	0
99. Costs for searches for certificates of births, marriages, and deaths, and payments therefor, and other disbursements in relation to procuring office copies or other documentary evidence not otherwise provided, for which the Registrar may upon taxation think necessary and proper, such sum as the Register shall deem reasonable	0	5	0	0	10	0			
100. Oaths, sums paid unless otherwise provided for									
101. In addition to the above an allowance may be made for the necessary expenses of postages, carriage and transmission of documents not exceeding	...	0	5	0	0	10	0		
ALLOWANCES TO WITNESSES.									
Ordinary Witnesses.									
	£	s.	d.	£	s.	d.	£	s.	d.
Gentlemen, merchants, bankers, and professional men, <i>per diem</i>	0	15	0	0	1	1	0		
Tradesmen, auctioneers, accountants, clerks, and yeomen, <i>per diem</i>	0	7	6	0	15	0			
Artisans and journeymen, <i>per diem</i>	0	4	0	0	0	7	6		
Labourers, and the like, <i>per diem</i>	0	3	0	0	0	4	0		
Females, according to station in life	0	2	6	0	10	0			
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a solicitor</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			
						to			
						2	2	0	
							3	3	0
<i>Where service is to be made by a bailiff</i>									
Item 1	1	1	0	1	1	0			
						to			
						2	4	6	
							3	5	6
Item 2	1	1	0	1	1	0			

# The Public General Statutes

FOR THE SESSION

55 & 56 VICTORIA, 1892.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY ARE  
SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

1892.

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Oct. 1, 1892.]

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**STATUTE LAW REVISION**; for further promoting the Revision of the Statute Law by repealing enactments which have ceased to be in force or have become unnecessary. Ch. 19.

**SUPERANNUATION**; to amend the Acts relating to Superannuation Allowances and Gratuities to Persons in the Public Service so far as respects the computation of successive Service in different Offices where not all subject to the Superannuation Acts, 1834 to 1887, and as respects the application of Section Six of the Superannuation Act, 1887, to Employments of Profit under the Government of India. Ch. 40.

**TAXES (REGULATION OF REMUNERATION) AMENDMENT**; to amend the Taxes (Regulation of Remuneration) Act, 1891. Ch. 25.

**TECHNICAL AND INDUSTRIAL INSTITUTIONS**; to facilitate the Acquisition and Holding of Land by Institutions for promoting Technical and Industrial Instruction and Training. Ch. 29. p. 6.

**TELEGRAPH**; to make further provision respecting Telegraphs. Ch. 39.

**WEIGHTS AND MEASURES (PURCHASE)**; for authorising County and Borough Councils to purchase Franchises of Weights and Measures. Ch. 18. p. 3.

**WITNESSES (PUBLIC INQUIRIES) PROTECTION**; for the better Protection of Witnesses giving Evidence before any Royal Commission or any Committee of either House of Parliament, or on other Public Inquiries. Ch. 64. p. 24.

55 VICTORIA.

CHAPTER 1.

[*Millbank Prison Act, 1892.*]

An Act to transfer the site of Millbank Prison to the management of the Commissioners of Works.

[29th March 1892.]

CHAPTER 2.

[*Army (Annual) Act, 1892.*]

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[29th March 1892.]

CHAPTER 3.

[*Consolidated Fund (No. 1) Act, 1892.*]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, and one thousand eight hundred and ninety-three.

[29th March 1892.]

CHAPTER 4.

[*Betting and Loans (Infants) Act, 1892.*]

An Act to render Penal the inciting Infants to Betting or Wagering or to borrowing Money.

[29th March 1892.]

Be it enacted, &c. :

1. *Persons sending documents to an infant inciting to betting guilty of a misdemeanor.* (1.) If anyone, for the purpose of earning commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to make any bet or wager, or to enter into or take any share or interest in any betting or wagering transaction, or to apply to any person or at any place, with a view to obtaining information or advice for the purpose of any bet or wager, or for information as to any race, fight, game, sport, or other contingency upon which betting or wagering is generally carried on, he shall be guilty of a misdemeanor, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine.

(2.) If any such circular, notice, advertisement, letter, telegram, or other document as in this section mentioned, names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting or wagering, the person so named or referred to shall be deemed to have sent or caused to be sent such document as aforesaid, unless he proves that he had not consented to be so named, and that he was not in any way a party to, and was wholly ignorant of, the sending of such document.

2. *Persons sending to infants circulars inviting to borrow money guilty of a misdemeanor.* (1.) If anyone for the purpose of earning interest, commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to borrow money, or to enter into any transaction involving the borrowing of money, or to apply to any person or at any place with a view to obtaining information or advice as to borrowing money, he shall be guilty of a misdemeanor, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and

fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine. \*

(2.) If any such document as above in this section mentioned sent to an infant purports to issue from any address named therein, or indicates any address as the place at which application is to be made with reference to the subject-matter of the document, and at that place there is carried on any business connected with loans, whether making or procuring loans or otherwise, every person who attends at such place for the purpose of taking part in or who takes part in or assists in the carrying on of such business shall be deemed to have sent or caused to be sent such document as aforesaid, unless he proves that he was not in any way a party to and was wholly ignorant of the sending of such document.

3. *Knowledge of infancy presumed in certain cases.* If any such circular, notice, advertisement, letter, telegram, or other document as in the preceding sections or either of them mentioned is sent to any person at any university, college, school, or other place of education, and such person is an infant, the person sending or causing the same to be sent shall be deemed to have known that such person was an infant, unless he proves that he had reasonable ground for believing such person to be of full age.

4. *Soliciting infant to make affidavit in connexion with loan.* If anyone, except under the authority of any court, solicits an infant to make an affidavit or statutory declaration for the purpose of or in connexion with any loan, he shall be liable, if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding twenty pounds, or to both imprisonment and fine, and if convicted on indictment, to imprisonment, with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred pounds.

5. *Avoiding contract for payment of loan advanced during infancy.* If any infant, who has contracted a loan which is void in law, agrees after he comes of age to pay any money which in whole or in part represents or is agreed to be paid in respect of any such loan, and is not a new advance, such agreement, and any instrument, negotiable or other, given in pursuance of or for carrying into effect such agreement, or otherwise in relation to the payment of money representing or in respect of such loan, shall, so far as it relates to money which represents or is payable in respect of such loan, and is not a new advance, be void absolutely as against all persons whomsoever.

For the purposes of this section any interest, commission, or other payment in respect of such loan shall be deemed to be a part of such loan.

6. *Person charged a competent witness.* In any proceeding against any person for an offence under this Act such person and his wife or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

7. *Application to Scotland.* In the application of this Act to Scotland :

The word "infant" means and includes any minor or pupil :

The word "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887 [50 & 51 Vict. c. 35] :

The expression "summary conviction" means a conviction under the Summary Jurisdiction (Scotland) Acts.

8. *Short title.* This Act may be cited as the Betting and Loans (Infants) Act, 1892.

CHAPTER 5.

[*Poor Law (Ireland) Act, 1892.*]

An Act to amend the Poor Law (Ireland) Acts.

[20th May 1892.]

CHAPTER 6.

[*Colonial Probates Act, 1892.*]

An Act to provide for the Recognition in the

United Kingdom of Probates and Letters of Administration granted in British Possessions.

[20th May 1892.]

Be it enacted, &c. :

1. *Application of Act by Order in Council.* Her Majesty the Queen may, on being satisfied that the legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

2. *Sealing in United Kingdom of colonial probates and letters of administration.* Where a court of probate in a British possession to which this Act applies has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, a court of probate in the United Kingdom, be sealed with the seal of that court, and, thereupon, shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that court.

(2.) Provided that the court shall, before sealing a probate or letters of administration under this section be satisfied—

(a.) that probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the United Kingdom ; and

(b.) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property (if any) in the United Kingdom to which the letters of administration relate ;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

(3.) The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the United Kingdom.

(4.) For the purposes of this section, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

(5.) Rules of court may be made for regulating the procedure and practice, including fees and costs, in courts of the United Kingdom, on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall, so far as they relate to probate duty, be made with the consent of the Treasury, and, subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration.

3. *Application of Act to British courts in foreign countries.* This Act shall extend to authorise the sealing in the United Kingdom of any probate or letters of administration granted by a British court in a foreign country, in like manner as it authorises the sealing of a probate or letters of administration granted in a British possession to which this Act applies, and the provisions of this Act shall apply accordingly with the necessary modifications.

4. *Orders in Council.* (1.) Every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and shall be published under the authority of Her Majesty's Stationery Office.

(2.) Her Majesty the Queen in Council may revoke or alter any Order in Council previously made under this Act.

(3.) Where it appears to Her Majesty in Council that the legislature of part of a British possession has power to make the provision requisite for bringing this Act into operation in that part, it shall be lawful for Her Majesty to direct by Order

in Council that this Act shall apply to that part as if it were a separate British possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

5. *Application of Act to probates, &c., already granted.*] This Act when applied by an Order in Council to a British possession shall, subject to the provisions of the Order, apply to probates and letters of administration granted in that possession either before or after the passing of this Act.

6. *Definitions.*] In this Act—

The expression "court of probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the sheriff court of the county of Edinburgh:

The expressions "probate" and "letters of administration" include confirmation in Scotland, and any instrument having in a British possession the same effect which under English law is given to probate and letters of administration respectively:

The expression "probate duty" includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted:

The expression "British court in a foreign country" means any British court having jurisdiction out of the Queen's dominions in pursuance of an Order in Council, whether made under any Act or otherwise.

7. *Short title.*] This Act may be cited as the Colonial Probates Act, 1892.

CHAPTER 7.

[*Labourers (Ireland) Act, 1892.*]

An Act to amend the Labourers (Ireland) Acts for the purpose of providing increased Allotments of Land for the Agricultural Labourers in Ireland.

[20th May 1892.]

CHAPTER 8.

[*Hares Preservation Act, 1892.*]

An Act to enact a Close Time for Hares during the Breeding Season.

[20th May 1892.]

Whereas hares form an important article of food, and have of late years greatly decreased in numbers in England, Scotland, and Wales, by reason of their being inconsiderately slaughtered, and owing to their marketable value it is important to provide for their protection during the breeding season:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Hares Preservation Act, 1892.

2. *Close time.*] It shall not be lawful during the months of March, April, May, June, or July to sell or expose for sale in any part of Great Britain any hare or leveret, and any person who during the months aforesaid shall so sell or expose for sale any hare or leveret shall be liable to a penalty not exceeding twenty shillings, including costs of conviction.

3. *Saving as to foreign hares.*] This Act shall not apply to foreign hares imported into Great Britain, and there sold or exposed for sale.

4. *Prosecution of offenders.*] Every offence under this Act may be prosecuted in a summary manner, and every penalty imposed under this Act shall be applied in the manner directed by the Summary Jurisdiction Acts, and any Act amending the same.

5. *Application to Scotland.*] In the application of this Act to Scotland the expressions "justice" and "justices" shall mean sheriff or sheriff substitute.

CHAPTER 9.

[*Gaming Act, 1892.*]

An Act to amend the Act of the eighth and ninth Victoria, chapter one hundred and nine, intituled "An Act to amend the Law concerning Games and Wagers."

[20th May 1892.]

Be it enacted, &c.:

1. *Promises to repay sums paid under contracts void by 8 & 9 Vict. c. 109, to be null and void.*] Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by the Act of the eighth and ninth Victoria, chapter one hundred and nine, or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract, or of any services in relation thereto or in connexion therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money.

2. *Short title.*] This Act may be cited as the Gaming Act, 1892.

CHAPTER 10.

[*Short Titles Act, 1892.*]

An Act to facilitate the [Citation of sundry Acts of Parliament.

[20th May 1892.]

CHAPTER 11.

[*Mortmain and Charitable Uses Act Amendment Act, 1892.*]

An Act to amend the Mortmain and Charitable Uses Act, 1888.

[20th June 1892.]

Be it enacted, &c.:

1. *Extension of 51 & 52 Vict. c. 42, s. 6.*] Section six of the Mortmain and Charitable Uses Act, 1888, except so much of sub-section (2) thereof as provides that an assurance by deed, made otherwise than in good faith for full and valuable consideration, must be executed not less than twelve months before the death of the assurer, shall apply to any assurance by deed of land to any local authority for any purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land.

2. *Definitions.*] For the purpose of this Act "local authority" means any county council, council of a municipal borough, sanitary authority, or any body having power to make a rate for public purposes or by the issue of any precept, certificate, or other document to require payment from some authority or officer of money which may render necessary the making of any such rate; and "assurance" has the same meaning as in the Mortmain and Charitable Uses Act, 1888.

3. *Extent of Act.*] This Act shall not apply to Scotland or Ireland.

4. *Short title.*] This Act may be cited as the Mortmain and Charitable Uses Act Amendment Act, 1892.

CHAPTER 12.

[*Roads and Bridges (Scotland) Amendment Act, 1892.*]

An Act to amend the Law in regard to Roads and Bridges in Scotland.

[20th June 1892.]

CHAPTER 13.

[*Conveyancing and Law of Property Act, 1892.*]

An Act to amend the Conveyancing and Law of Property Act, 1881.

[20th June 1892.]

Be it enacted, &c.:

Preliminary

1. *Short title and extent.*] (1.) This Act may be cited as the Conveyancing and Law of Property Act, 1892, and the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41], and the Conveyancing Act, 1882 [45 & 46 Vict. c. 39], and this Act shall be read together and may be cited together as the Conveyancing Acts, 1881, 1882, and 1892.

(2.) This Act does not extend to Scotland.

Leases, Under-leases, Forfeiture.

2. *Costs of waiver, and forfeiture in case of bankruptcy or execution.*] (1.) A lessor shall be entitled to recover as a debt due to him from a lessee, and

in addition to damages (if any) all reasonable costs and expenses properly incurred by the lessor in the employment of a solicitor and surveyor or valuer, or otherwise, in reference to any breach giving rise to a right of re-entry or forfeiture which, at the request of the lessee, is waived by the lessor by writing under his hand, or from which the lessee is relieved, under the provisions of the Conveyancing and Law of Property Act, 1881, or of this Act.

(2.) Sub-section six of section fourteen of the Conveyancing and Law of Property Act, 1881, is to apply to a condition for forfeiture on bankruptcy of the lessee, or on taking in execution of the lessee's interest only after the expiration of one year from the date of the bankruptcy, or taking in execution, and provided the lessee's interest be not sold within such one year, but in case the lessee's interest be sold within such one year, sub-section six shall cease to be applicable thereto.

(3.) Sub-section two of this section is not to apply to any lease of—

(a) Agricultural or pastoral land :

(b) Mines or minerals :

(c) A house used or intended to be used as a public-house or beershop :

(d) A house let as a dwelling-house, with the use of any furniture, books, works of art, or other chattels not being in the nature of fixtures :

(e) Any property with respect to which the personal qualifications of the tenant are of importance for the preservation of the value or character of the property, or on the ground of neighbourhood to the lessor, or to any person holding under him.

3. *No fine to be exacted for licence to assign.*] In all leases containing a covenant, condition, or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition, or agreement shall, unless the lease contains an expressed provision to the contrary, be deemed to be subject to a proviso to the effect that no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent; but this proviso shall not preclude the right to require the payment of a reasonable sum in respect of any legal or other expense incurred in relation to such licence or consent.

4. *Power of court to protect under-lessees on forfeiture of superior leases.*] Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any covenant, proviso, or stipulation in a lease, the court may, on application by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof either in the lessor's action (if any) or in any action brought by such person for that purpose, make an order vesting for the whole term of the lease or any less term the property comprised in the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions as to execution of any deed or other document, payment of rent, costs, expenses, damages, compensation, giving security, or otherwise, as the court in the circumstances of each case shall think fit, but in no case shall any such under-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease.

5. *Extension of definitions of "lease," "under-lease," and "under-lessee."*] In section fourteen of the Conveyancing and Law of Property Act, 1881, as amended by this Act, and in this Act, "lease" shall also include an agreement for a lease where the lessee has become entitled to have his lease granted, and "under-lease" shall also include an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted, and in this Act "under-lessee" shall include any person deriving title under or from an under-lessee.

Trustees.

6. *Trustee may be appointed for separate parts of property though no new trustee be appointed of other parts.*] A separate set of trustees or a separate trustee may be appointed under the fifth section of the Conveyancing Act, 1882, or a part only of the

trust property, notwithstanding that no new trustees or trustee are to be appointed of other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; and every appointment already made of a separate set of trustees shall be valid notwithstanding that there was no retiring trustee of other parts of the trust property, and that no new trustees were appointed of such other parts thereof.

**CHAPTER 14.**

[*Indian Councils Act, 1892.*]

An Act to amend the Indian Councils Act, 1861. [20th June 1892.]

**CHAPTER 15.**

[*Charity Inquiries (Expenses) Act, 1892.*]

An Act to authorise the Councils of Counties and County Boroughs to contribute to the Expenses of Inquiries into certain Charities. [20th June 1892.]

Be it enacted, &c. :

**1. Power for council of county or county borough to contribute to expenses of charity inquiries.** (1.) The council of any county or county borough may, if they think fit, pay or contribute towards the expenses of any inquiry conducted by the Charity Commissioners into any charities which are by the trusts governing their administration expressly appropriated in whole or in part for the benefit of their county or county borough, or of any part thereof.

(2.) The payment or contribution may be made out of the county fund, or in the case of a county borough out of the borough fund or borough rate.

**2. Short title.** This Act may be cited as the Charity Inquiries (Expenses) Act, 1892.

**CHAPTER 16.**

[*Customs and Inland Revenue Act, 1892.*]

An Act to grant and alter certain Duties of Customs and Inland Revenue, and to amend the Law relating to Customs and Inland Revenue. [20th June 1892.]

**CHAPTER 17.**

[*Sheriff Courts (Scotland) Extracts Act, 1892.*]

An Act to simplify the Forms of Extracts of Decrees in the Sheriff Courts of Scotland. [20th June 1892.]

**CHAPTER 18.**

[*Weights and Measures (Purchase) Act, 1892.*]

An Act for authorising County and Borough Councils to purchase Franchises of Weights and Measures. [20th June 1892.]

Be it enacted, &c. :

**1. Power for county or borough council to purchase franchise of weights and measures.** (1.) Where the council of a county or borough are the local authority for the execution of the law relating to weights and measures, the council and the owner of any franchise of weights and measures may, with the approval of the Board of Trade, enter into and carry into effect any agreement for the sale to and purchase by the council of all or any of the powers and authorities of the franchise owner within the area under the council as such local authority, and on any such purchase being completed the powers and authorities purchased shall cease to be exercised.

(2.) For the purpose of any such purchase the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and the franchise shall be deemed land within the meaning of those Acts.

(3.) A county council may borrow money for the purposes of this Act in accordance with the Local Government Act, 1888 [51 & 52 Vict. c. 41], and a borough council may borrow money for the pur-

poses of this Act in accordance with the Public Health Act, 1875 [38 & 39 Vict. c. 55].

(1.) The expenses incurred by a borough council under this Act shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

(5.) For the purposes of this Act the expression "franchise of weights and measures" shall include the authority which any court-leet for any hundred or manor, or any jury or ward inquest, or the lord or lady of any manor, or any other person, may have for inspecting, examining, regulating, verifying, stamping, adjusting, seizing, breaking, or destroying any weights or measures, or weighing instrument or measuring instrument.

**2. Provisions as to certain boroughs.** Where the council of a county have in pursuance of this Act acquired any franchise of weights and measures in respect of any area within a borough the council of which are not at the time of such acquisition the local authority for the execution of the law relating to weights and measures, the council of that borough shall not become such a local authority until they have recovered to the council of the county such proportion of the expenses of the county council in acquiring the franchise and in executing the law relating to weights and measures as may be agreed on between the respective councils, or may, in case of difference, be determined by the Board of Trade.

**3. Extent of Act.** This Act shall not extend to Scotland or Ireland.

**4. Short title and construction.** This Act may be cited as the Weights and Measures (Purchase) Act, 1892, and shall be read as one with the Weights and Measures Acts, 1878 and 1889 [41 & 42 Vict. c. 49 and 52 & 53 Vict. c. 21].

**CHAPTER 19.**

[*Statute Law Revision Act, 1892.*]

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. [20th June 1892.]

**CHAPTER 20.**

[*Consolidated Fund (No. 2) Act, 1892.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-three. [20th June 1892.]

**CHAPTER 21.**

[*High Court of Justiciary (Scotland) Act, 1892.*]

An Act to regulate the sittings of the High Court of Justiciary in Scotland. [20th June 1892.]

**CHAPTER 22.**

[*Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1892.*]

An Act to amend the Housing of the Working Classes Act, 1890, as to Scotland. [20th June 1892.]

**CHAPTER 23.**

[*Foreign Marriage Act, 1892.*]

An Act to consolidate Enactments relating to the Marriage of British Subjects outside the United Kingdom. [27th June 1892.]

Be it enacted, &c. :

**1. Validity of marriages solemnized abroad in manner provided by Act.** All marriages between parties of whom one at least is a British subject solemnized in the manner in this Act provided in any foreign country or place by or before a marriage officer within the meaning of this Act shall be as valid in law as if the same had been solemnized in the United Kingdom with a due observance of all forms required by law.

**2. Notice to marriage officer of intended marriage.**

In every case of a marriage intended to be solemnized under this Act, one of the parties intending marriage shall sign a notice, stating the name, surname, profession, condition, and residence of each of the parties, and whether each of the parties is or is not a minor, and give the notice to the marriage officer within whose district both of the parties have had their residence not less than one week then next preceding, and the notice shall state that they have so resided.

**3. Filing in registry and posting up of notice.** (1.)

The marriage officer shall file every such notice, and keep it with the archives of his office, and shall also, on payment of the proper fee, forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office, a true copy of every such notice, and shall keep the same so posted up during fourteen consecutive days before the marriage is solemnized under the notice.

(2.) The said book and copy posted up shall be open at all reasonable times, without fee, to the inspection of any person.

**4. Requirement of like consent to marriage as in England, and power to forbid marriage.** (1.) The like consent shall be required to a marriage under this Act as is required by law to marriages solemnized in England.

(2.) Every person whose consent to a marriage is so required may, at any time before the solemnization thereof under this Act, forbid it by writing the word "forbidden" opposite to the entry of the intended marriage in the book of notices, and by subscribing thereto his name and residence, and the character by reason of which he is authorized to forbid the marriage; and if a marriage is so forbidden the notice shall be void, and the intended marriage shall not be solemnized under that notice.

**5. Caveat against marriages may be lodged with marriage officer.** (1.) Any person may on payment of the proper fee enter with the marriage officer a caveat, signed by him or on his behalf, and stating his residence and the ground of his objection against the solemnization of the marriage of any person named therein, and thereupon the marriage of that person shall not be solemnized until either the marriage officer has examined into the matter of the caveat and is satisfied that it ought not to obstruct the solemnization of the marriage, or the caveat is withdrawn by the person entering it.

(2.) In a case of doubt the marriage officer may transmit a copy of the caveat, with such statement respecting it as he thinks fit, to a Secretary of State, who shall refer the same to the Registrar-General, and the Registrar-General shall give his decision thereon in writing to the Secretary of State, who shall communicate it to the marriage officer.

(3.) If the marriage officer refuses to solemnize or to allow to be solemnized in his presence the marriage of any person requiring it to be solemnized, that person may appeal to a Secretary of State, who shall give the marriage officer his decision thereon.

(4.) The marriage officer shall forthwith inform the parties of and shall conform to any decision given by the Registrar-General or Secretary of State.

**6. When marriage not solemnized within three months new notice required.** Where a marriage is not solemnized within three months next after the latest of the following dates—

(a.) the date on which the notice for it has been given to and entered by the marriage officer under this Act, or

(b.) if on a caveat being entered a statement has been transmitted to a Secretary of State, or if an appeal has been made to a Secretary of State, then the date of the receipt from the Secretary of State of a decision directing the marriage to be solemnized, the notice shall be void, and the intended marriage shall not be solemnized under that notice.

**7. Oath before marriage.** Before a marriage is solemnized under this Act, each of the parties intending marriage shall appear before the marriage officer, and make, and subscribe in a book kept by the officer for the purpose, an oath—

- (a) that he or she believes that there is not any impediment to the marriage by reason of kindred or alliance, or otherwise; and
- (b) that both of the parties have for three weeks immediately preceding had their usual residence within the district of the marriage officer; and
- (c) where either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or, as the case may be, that there is no person having authority to give such consent.

**8. Solemnization of marriage at office in presence of marriage officer and two witnesses.** (1.) After the expiration of fourteen days after the notice of an intended marriage has been entered under this Act, then, if no lawful impediment to the marriage is shown to the satisfaction of the marriage officer, and the marriage has not been forbidden in manner provided by this Act, the marriage may be solemnized under this Act.

(2.) Every such marriage shall be solemnized at the official house of the marriage officer, with open doors, between the hours of eight in the forenoon and three in the afternoon, in the presence of two or more witnesses, and may be solemnized by another person in the presence of the marriage officer, according to the rights of the Church of England, or such other form and ceremony as the parties thereto see fit to adopt, or may, where the parties so desire, be solemnized by the marriage officer.

(3.) Where such marriage is not solemnized according to the rites of the Church of England, then in some part of the ceremony, and in the presence of the marriage officer and witnesses, each of the parties shall declare,

"I solemnly declare, that I know not of any lawful impediment why I, A.B. [or C.D.], may not be joined in matrimony to C.D. [or A.B.]."

And each of the parties shall say to the other, "I call upon these persons here present to witness, that I, A.B. [or C.D.], take thee, C.D. [or A.B.], to be my lawful wedded wife [or husband]."

**9. Marriage fees to marriage officer and registration of marriages.** (1.) The marriage officer shall be entitled, for every marriage solemnized under this Act by him or in his presence, to have from the parties married the proper fee.

(2.) He shall forthwith register in duplicate every such marriage in two marriage register books, which shall be furnished to him from time to time for that purpose by the Registrar-General (through a Secretary of State), according to the form provided by law for the registration of marriages in England, or as near to that form as the difference of the circumstances admits.

(3.) The entry in each book of every such marriage shall be signed by the marriage officer, by the person solemnizing the marriage, if other than the marriage officer, by both the parties married, and by two witnesses of the marriage.

(4.) All such entries shall be made in regular order from the beginning to the end of each book, and the number of the entry in each duplicate shall be the same.

(5.) The marriage officer by whom or in whose presence a marriage is solemnized under this Act may ask of the parties to be married the several particulars required to be registered touching the marriage.

**10. Annual forwarding of copies of register book to Secretary of State.** (1.) In January in every year every marriage officer shall make and send to a Secretary of State, to be transmitted by him to the Registrar-General, a copy, certified by him to be a true copy, of all the entries of marriages during the preceding year in the register book kept by him; and if there has been no such entry, a certificate of that fact; and every such copy shall be certified, and certificate given, under his hand and official seal.

(2.) The marriage officer shall keep the duplicate marriage register books safely until they are filled, and then send one of them to a Secretary

of State, to be transmitted by him to the Registrar-General.

**11. Marriage officers and their districts.** (1.) For the purposes of this Act the following officers shall be marriage officers, that is to say:—

- (a) Any officer authorized in that behalf by a Secretary of State by authority in writing under his hand (in this Act referred to as a marriage warrant); and
- (b) Any officer who, under the marriage regulations hereinafter mentioned is authorized to act as marriage officer without any marriage warrant,

and the district of a marriage officer shall be the area within which the duties of his office are exercisable, or any such less area as is assigned by the marriage warrant or any other warrant of a Secretary of State, or is fixed by the marriage regulations.

(2.) Any marriage warrant of a Secretary of State may authorize to be a marriage officer—

- (a.) a British ambassador residing in a foreign country to the government of which he is accredited, and also any officer prescribed as an officer for solemnizing marriages in the official house of such ambassador;
- (b.) the holder of the office of British consul in any foreign country or place specified in the warrant; and

- (c.) a governor, high commissioner, resident, consular or other officer, or any person appointed in pursuance of the marriage regulations to act in the place of a high commissioner or resident, and this Act shall apply with the prescribed modifications to a marriage by or before a governor, high commissioner, resident, or officer so authorized by the warrant, and in such application shall not be limited to places outside Her Majesty's dominions.

(3.) If a marriage warrant refers to the office without designating the name of any particular person holding the office, then, while the warrant is in force, the person for the time being holding or acting in such office shall be a marriage officer.

- (4.) A Secretary of State may, by warrant under his hand, vary or revoke any marriage warrant previously issued under this Act.

(5.) Where a marriage officer has no seal of his office, any reference in this Act to the official seal shall be construed to refer to any seal ordinarily used by him, if authenticated by his signature with his official name and description.

**12. Marriages on board Her Majesty's ships on foreign stations.** A marriage under this Act may be solemnized on board one of Her Majesty's ships on a foreign station, and with respect to such marriage—

- (a) subject to the marriage regulations a marriage warrant of a Secretary of State may authorize the commanding officer of the ship to be a marriage officer;
- (b) the provisions of this Act shall apply with the prescribed modifications.

**13. Avoidance of objections to marriages on account of want of formalities or authority of officer.** (1.) After a marriage has been solemnized under this Act it shall not be necessary, in support of the marriage, to give any proof of the residence for the time required by or in pursuance of this Act of either of the parties previous to the marriage, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any legal proceeding touching the validity of the marriage.

(2.) Where a marriage purports to have been solemnized and registered under this Act in the official house of a British ambassador or consul, or on board one of Her Majesty's ships, it shall not be necessary in support of the marriage, to give any proof of the authority of the marriage officer by or before whom the marriage was solemnized and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorized marriage officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceeding touching the validity of the marriage.

**14. Forfeiture of property in case of fraudulent marriage.** If a marriage is solemnized under this Act by means of any wilfully false notice signed,

or oath made by either party to the marriage, as to any matter for which a notice, or oath, is by this Act required, the Attorney-General may sue for the forfeiture of all estate and interest in any property in England accruing to the offending party by the marriage; and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized in England according to the rites of the Church of England.

**15. Punishment of false oath or notice.** If a person—

- (a) knowingly and willingly makes a false oath or signs a false notice, under this Act, for the purpose of procuring a marriage, or

(b) forbids a marriage under this Act by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false, such person shall suffer the penalties of perjury, and may be tried in any county in England and dealt with in the same manner in all respects as if the offence had been committed in that county.

**16. Evidence.** (1.) Any book, notice, or document directed by this Act to be kept by the marriage officer in the archives of his office, shall be of such a public nature as to be admissible in evidence on its mere production from the custody of the officer.

(2.) A certificate of a Secretary of State as to any house, office, chapel, or other place being, or being part of, the official house of a British ambassador or consul shall be conclusive.

**17. Application of Registration Acts to this Act.** All the provisions and penalties of the Marriage Registration Acts, relating to any registrar, or register of marriages or certified copies thereof, shall extend to every marriage officer, and to the registers of marriages under this Act, and to the certified copies thereof (so far as the same are applicable thereto), as if herein re-enacted and in terms made applicable to this Act, and as if every marriage officer were a registrar under the said Acts.

**18. Registration of marriages solemnized under local law.** Subject to the marriage regulations, a British consul, or person authorized to act as British consul, on being satisfied by personal attendance that a marriage between parties, of whom one at least is a British subject, has been duly solemnized in a foreign country, in accordance with the local law of the country, and on payment of the proper fee, may register the marriage in accordance with the marriage regulations as having been so solemnized, and thereupon this Act shall apply as if the marriage had been registered in pursuance of this Act, except that nothing in this Act shall affect the validity of the marriage so solemnized.

**19. Power to refuse solemnization of marriage where marriage inconsistent with international law.** A marriage officer shall not be required to solemnize a marriage, or to allow a marriage to be solemnized in his presence, if in his opinion the solemnization thereof would be inconsistent with international law or the comity of nations;

Provided that any person requiring his marriage to be solemnized shall, if the officer refuses to solemnize it or allow it to be solemnized in his presence, have the right of appeal to the Secretary of State given by this Act.

**20. Fees.** The proper fee under this Act shall be such fee as may for the time being be fixed under the Consular Salaries and Fees Act, 1891 [54 & 55 Vict. c. 36]; and the fee so fixed as respects a consul shall be the fee which may be taken by any marriage officer; and the provisions relating to the levying, application, and remission of and accounting for fees under that Act shall apply to the same when taken by any marriage officer who is not a consul.

**21. Power to make marriage regulations.** (1.) Her Majesty the Queen in Council may make regulations (in this Act referred to as the marriage regulations)—

- (a.) Prohibiting or restricting the exercise by marriage officers of their powers under this Act in cases where the exercise of those powers appears to Her Majesty to be incon-

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sistent with international law or the comity of nations, or in places where sufficient facilities appear to Her Majesty to exist without the exercise of those powers, for the solemnization of marriages to which a British subject is a party; and

(b.) Determining what offices, chapels, or other places are, for the purposes of marriages under this Act, to be deemed to be part of the official house or the office of a marriage officer; and

(c.) Modifying in special cases or classes of cases the requirements of this Act as to residence and notice, so far as such modification appears to Her Majesty to be consistent with the observance of due precautions against clandestine marriages; and

(d.) Prescribing the forms to be used under this Act; and

(e.) Adapting this Act to marriages on board one of Her Majesty's ships; and to marriages by or before a governor, high commissioner, resident, or other officer, and authorising the appointment of a person to act under this Act in the place of a high commissioner or resident; and

(f.) Determining who is to be the marriage officer for the purpose of a marriage in the official house of a British ambassador, or on board one of Her Majesty's ships, whether such officer is described in the regulations or named in pursuance thereof, and authorising such officer to act without any marriage warrant; and

(g.) Determining the conditions under which and the mode in which marriages solemnized in accordance with the local law of a foreign country may be registered under this Act; and

(h.) Making such provisions as seem necessary or proper for carrying into effect this Act or any marriage regulations; and

(i.) Varying or revoking any marriage regulations previously made.

(2.) All regulations purporting to be made in pursuance of this section may be made either generally or with reference to any particular case or class of cases, and shall be published under the authority of Her Majesty's Stationery Office, and laid before both Houses of Parliament, and deemed to be within the powers of this Act, and shall while in force have effect as if enacted by this Act.

(3.) Any marriage regulations which dispense for any reason, whether residence out of the district or otherwise, with the requirements of this Act as to residence and notice, may require as a condition or consequence of the dispensation, the production of such notice, certificate, or document, and the taking of such oath, and may authorise the publication or grant of such notice, certificate, or document, and the charge of such fees as may be prescribed by the regulations; and the provisions of this Act, including those enacting punishments with reference to any false notice or oath, shall apply as if the said notice, certificate, or document were a notice, and such oath were an oath, within the meaning of those provisions.

*22. Validity of marriages solemnized within British lines.* It is hereby declared that all marriages solemnized within the British lines by any chaplain or officer or other person officiating under the orders of the commanding officer of a British army serving abroad, shall be as valid in law as if the same had been solemnized within the United Kingdom, with a due observance of all forms required by law.

*23. Saving.* Nothing in this Act shall confirm or impair or in anywise affect the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided, and this Act shall not extend to the marriage of any of the Royal family.

*24. Definitions.* In this Act, unless the context otherwise requires,—

The expression "Registrar-General" means the Registrar-General of Births, Deaths, and Marriages in England:

The expression "Attorney General" means Her Majesty's Attorney General, or if there is no such Attorney General, or the Attorney General is unable or incompetent to act,

Session and Chapter.	Title.	Extent of Repeal.
31 & 32 Vict. c. 61	The Consular Marriage Act, 1868.	The whole Act.
33 & 34 Vict. c. 14	The Naturalization Act, 1870.	In section eleven, the words, "and of the marriages of persons married at any of Her Majesty's embassies or legations."
53 & 54 Vict. c. 47	The Marriage Act, 1890.	The whole Act.
54 & 55 Vict. c. 74	The Foreign Marriage Act, 1891.	The whole Act.

CHAPTER 24.

[*Post Office Act, 1892.*]

An Act to amend the Post Office Act, 1891, in relation to its application to Scotland, and to apply that Act to the Isle of Man and to the Channel Islands.

[27th June 1892.]

CHAPTER 25.

[*Taxes (Regulation of Remuneration) Amendment Act, 1892.*]

An Act to amend the Taxes (Regulation of Remuneration) Act, 1891.

[27th June 1892.]

CHAPTER 26.

[*National Debt (Conversion of Exchequer Bonds) Act, 1892.*]

An Act to make provision respecting Advances made by the National Debt Commissioners under the National Debt (Redemption) Act, 1889.

[27th June 1892.]

CHAPTER 27.

[*Parliamentary Deposits and Bonds Act, 1892.*]

An Act to authorise the release of certain Deposits, and the cancellation of certain Bonds, made or given to secure the performance of undertakings authorised by Parliament.

[27th June 1892.]

Be it enacted, &c. :

*1. Power to release deposits.* (1.) Where in pursuance of any general or special Act of Parliament, or of any rules made thereunder, moneys or securities have been deposited with, or are standing in the name of, the Paymaster General to secure the completion by any company of any undertaking authorised by Parliament, or by any certificate issued under the authority of an Act of Parliament, and the undertaking has not been completed within the time limited in that behalf, the High Court may, notwithstanding anything in any such general or special Act or rules, order that the moneys or securities (in this Act called the deposit fund), or any part thereof, be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the undertaking, or any portion thereof, or who have been subjected to injury or loss in consequence of any compulsory powers of taking property given in connexion with the undertaking, and have received no compensation or inadequate compensation for such injury or loss; and also, in the case of a tramway company, towards compensating the road authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the tramway company in or on any road vested in or maintainable by the road authorities, and in making good all damage caused to such roads by the construction or abandonment of the tramway.

(2.) Subject to payment of any such compensation.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
4 Geo. 4, c. 91	An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad.	The whole Act, so far as unrepealed.
12 & 13 Vict. c. 68	The Consular Marriage Act, 1849.	The whole Act.

tion, and notwithstanding any provision as to forfeiture to the Crown, the High Court may, if a receiver has been appointed, or the company is insolvent and has been ordered to be wound up, or the undertaking has been abandoned, order that the deposit fund or any part thereof be paid or transferred to the receiver or to the liquidator of the company, or be applied as part of the assets of the company for the benefit of the creditors thereof.

(3.) Subject to such application as aforesaid the High Court may, after such public notice as to the Court seems reasonable, order that the deposit fund or any part thereof be paid or transferred to the depositors or the persons claiming through or under them.

(4.) If any money or securities deposited with or standing in the name of the Paymaster General for the purposes of this section on or before the thirty-first of March one thousand eight hundred and ninety are not claimed by or on behalf of the depositors thereof within ten years after the passing of this Act, the Treasury may pay or transfer the same to the National Debt Commissioners to be applied by them towards the reduction of the National Debt.

(5.) This section shall apply to any person or body of persons authorised by Parliament or by any such certificate as aforesaid to carry out an undertaking as if he or they were a company.

**2. Power to cancel bonds.** Where in pursuance of any general or special Act of Parliament any bond has been given to secure the completion of any undertaking authorised by Parliament, or by any certificate issued under the authority of an Act of Parliament, and the undertaking has not been completed within the time limited in that behalf, the money thereby secured shall be applicable to the same purposes as the deposit fund hereinbefore mentioned, and the Treasury may, if they think fit, cancel the bond on proof to their satisfaction that the money thereby secured has been applied or is not required for those purposes.

**3. Application to Scotland.** In the application of this Act to Scotland—

The expression "Paymaster General" shall mean the Queen's and Lord Treasurer's Remembrancer:

The expression "High Court" shall mean the Court of Session in either division thereof.

**4. Application to Ireland.** In the application of this Act to Ireland—

The expression "Paymaster General" shall mean the Accountant General of the Supreme Court:

The expression "tramway" shall include railway.

**5. Short Title.** This Act may be cited as the Parliamentary Deposits and Bonds Act, 1892.

## CHAPTER 28.

[*Isle of Man Customs Act, 1892.*]

An Act to amend the Law respecting the Customs Duties in the Isle of Man.

[27th June 1892.]

## CHAPTER 29.

[*Technical and Industrial Institutions Act, 1892.*]

An Act to facilitate the Acquisition and Holding of Land by Institutions for promoting Technical and Industrial Instruction and Training.

[27th June 1892.]

Be it enacted, &c.:

**1. Short title.** This Act may be cited as the Technical and Industrial Institutions Act, 1892.

**2. Definition of institution.** This Act applies to every institution established, whether before or after the passing of this Act, for effecting all or any of the following purposes, that is to say:—

(i.) To give technical instruction within the meaning of the Technical Instruction Act, 1889 [52 & 53 Vict. c. 76].

(ii.) To provide the training, mental or physical, necessary for the above purpose.

(iii.) In connexion with the purposes before mentioned, to provide workshops, tools,

scientific apparatus and plant of all kinds, libraries, reading rooms, halls for lectures, exhibitions, and meetings, gymnasiums, and swimming baths, and also general facilities for mental and physical training, recreation, and amusement, and also all necessary and proper accommodation for persons frequenting the institution;

and every such institution is in this Act referred to as the institution.

**3. Governing body.** (1.) The governing body of the institution may be any body corporate, council, public authority, local authority, commissioners, directors, committee, trustees, or other body of persons, corporate or unincorporate, willing to undertake, or elected or appointed for the purpose of undertaking, or having, the government and management of the institution.

(2.) The governing body may make byelaws and rules for the management and conduct of the institution.

**4. Incorporation of 8 & 9 Vict. c. 18, 23 & 24 Vict. c. 106.** The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (except the provisions of those Acts relating to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by promoters of the undertaking, and with respect to determining the amount of purchase money by valuation of surveyors), are hereby incorporated in this Act.

**5. Power to take land by agreement.** The governing body of the institution may by agreement enter on, take, and use any land required by them for the purposes of the institution, and such land may be conveyed either to the governing body or to trustees for the governing body.

**6. Conveyance may be by way of sale, exchange, or gift.** (1.) A conveyance of land may be made to the governing body of the institution or to trustees for the governing body either for valuable consideration in money, or in consideration of a rent-charge, or by way of exchange for other land, or, subject as in this Act provided, by way of free gift, and without any consideration.

(2.) A conveyance under this Act by a person having an equitable estate shall operate to pass any bare outstanding legal estate vested in a trustee.

**7. Conveyances by limited owners.** (1.) A conveyance under this Act by a person not entitled to dispose absolutely for his own benefit of the land proposed to be conveyed (other than a conveyance on a sale or exchange for the best consideration in money, or by way of rentcharge, or in land to be reasonably obtained) shall be subject to the following restrictions and provisions:—

(a) It shall not in itself, or in addition to any land conveyed under this Act by the same person, comprise more than two acres in the whole in any one county, city, or borough:

(b) It shall be made either with the consent of the person, if any, entitled to the next estate of freehold in remainder for the time being, or with the approval of the High Court of Justice.

(2.) Every application to the Court for an order approving a conveyance under this Act shall be by summons in chambers, and shall, subject to the Acts regulating the court, be assigned to the Chancery Division.

(3.) On any such application the Court may direct notice to be served on such persons, if any, as it thinks fit.

(4.) On any such application the court shall have regard to the circumstances of the settled estate, the wants of the neighbourhood, and the interests of the persons entitled in remainder, and the Court, if it thinks fit under all the circumstances of the case, may make an order approving the proposed conveyance. Such order, if the Court thinks fit, may be made on such terms and conditions, if any, as the Court thinks proper: but no such order shall be made if the application is opposed by any person entitled in remainder, unless the court is of opinion that the opposition is unreasonable, or the interest of the person opposing so remote that it may properly be disregarded.

**8. Institution to be public.** Every institution for which land has been acquired under an exercise of the powers conferred by this Act shall be open generally either to all persons or to all persons within specified limits as to age, qualification, or otherwise, and either without payment or on specified terms as to times of attendance and payment of subscriptions or fees or otherwise, but so that no preference be given to any person or class of persons within the specified limits.

**9. Site may be sold or exchanged.** (1.) Land acquired under the powers of this Act shall not be used otherwise than for the purposes of an institution within the meaning of this Act, but, with the consent of the Charity Commissioners, may be sold or may be exchanged for other land.

(2.) The governing body or their trustees may execute conveyances and do all acts necessary to effectuate a sale or exchange.

(3.) On a sale, the receipt of the governing body or of the trustees for the governing body shall be a sufficient discharge for the purchase money, and such money shall, as soon as convenient, be invested in the purchase of other land.

(4.) Land purchased or taken in exchange under this section shall be devoted to the same purposes and be liable to the same incidents as originally were applicable to or affected the land sold or given in exchange.

(5.) Money arising by sale may, until reinvested in the purchase of land, be invested in the names of the governing body or of trustees for the governing body in any manner in which trust money is for the time being by law authorised to be invested; and all dividends and income on investments so made and all the resulting income shall be invested in like manner so as to accumulate in the way of compound interest, and be added to capital until the capital is reinvested in the purchase of land.

**10. Parts I. and II. of 51 & 52 Vict. c. 42 and part of 54 & 55 Vict. c. 73 not to apply.** (1.) Parts I. and II. of the Mortmain and Charitable Uses Act, 1888, and so much of the Mortmain and Charitable Uses Act, 1891, as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to conveyances or to assurances by will made under or for the purposes of this Act, but every such conveyance or assurance shall be enrolled as soon as may be in the books of the Charity Commissioners.

(2.) Any corporate body may acquire and shall be entitled to hold and retain land for the purposes of this Act without any licence in mortmain.

**11. Extent of Act.** This Act shall not extend to Scotland.

## CHAPTER 30.

[*Alkali, &c., Works Regulation Act, 1892.*]  
An Act to amend the Alkali, &c., Works Regulation Act, 1881.

[27th June 1892.]

## CHAPTER 31.

[*Small Holdings Act, 1892.*]

An Act to facilitate the acquisition of Small Agricultural Holdings.

[27th June 1892.]

Be it enacted, &c.:

### PART I. PROVISION OF SMALL HOLDINGS BY COUNTY COUNCILS.

**1. Power for county council to acquire land for small holdings.** (1.) If the council of any county are of opinion that there is such a demand for small holdings in their county as justifies them in putting into operation this part of this Act, the council may, subject to the provisions of this Act, acquire any suitable land for the purpose of providing small holdings for persons who desire to buy and will themselves cultivate the holdings.

(2.) The expression "small holding" for the purposes of this Act shall mean land acquired by a council under the powers and for the purposes of this Act, and which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purposes of the income tax not exceeding fifty pounds.

**2. County council may lease land in lieu of purchas-**

*ing.]* Where land through its proximity to a town or suitability for building purposes, or for any other special reason has a prospective value which in the opinion of the county council is too high to make its purchase for agricultural purposes desirable, the council may hire the land on lease or otherwise for the purpose of letting it in small holdings in accordance with the provisions of this Act.

*3. Purchase of land and adaptation of it for small holdings.]* (1.) For the purpose of the purchase of land under this Act by a county council the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, which provisions shall not apply for the purposes of this Act; and section one hundred and seventy-eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall apply as if the county council were referred to therein.

(2.) The county council may, if they think fit, before sale or letting adapt for small holdings any land acquired under this Act by dividing and fencing it, making occupation roads, and executing any other works, such as works for the provision of drainage or water supply, which can in the opinion of the council be more economically and efficiently executed for the land as a whole.

(3.) The county council may also, if they think fit, as part of the agreement for the sale or letting of a small holding, adapt the land for a small holding by erecting thereon such buildings, or making such adaptations of existing buildings, as in their opinion are required for the due occupation of the holding, and cannot be made by the purchaser or tenant.

*4. Sale or letting of small holdings.]* (1.) The county council shall apportion the total cost of the acquisition of the land, and of any adaptation thereof, among the several holdings in such manner as seems just, and shall, save as herein-after mentioned, offer the small holdings for sale in accordance with rules under this Act.

(2.) Where the county council are of opinion that any persons desirous of themselves cultivating small holdings are unable to buy, on the terms fixed by this Act, or where the land has been hired by the council on lease or otherwise, the council may, in the case of any small holding which either does not exceed fifteen acres in extent, or if exceeding fifteen acres is of the annual value for the purpose of the income tax not exceeding fifteen pounds, instead of offering it for sale, offer to let it in accordance with rules under this Act.

Provided that a tenant of any small holding may, before the expiration of his tenancy, remove any fruit and other trees and bushes planted or acquired by him for which he has no claim for compensation, and remove any toolhouse, shed, greenhouse, fowlhouse, or pigsty built or acquired by him for which he has no claim for compensation.

(3.) The county council shall have power to sell, or, in the case of small holdings which may be let, to let one or more small holdings to a number of persons working on a co-operative system, provided such system be approved by the county council.

(4.) The cost of acquisition and adaptation shall for the purposes of this section include every expense incurred by the council in relation to the land, inclusive of any allowance to any officers of the council for work done in relation thereto.

*5. Committee of and inquiry by council.]* (1.) Any county council may, and every county council not being a council of a county borough shall, appoint a committee to consider whether the circumstances of the county justify the council in putting into operation this Part of this Act.

(2.) Any one or more county electors may present a petition to the council of their county alleging that there is a demand for small holdings in the county, and praying that this Part of this Act may be put in operation, and thereupon the petition shall be referred to the committee appointed under this section, who, on being satisfied that the petition is presented in good faith and on reasonable grounds, shall forthwith cause an inquiry into the circumstances to be made and shall report the result to the council.

(3.) If any councillor representing or alderman residing in any electoral division of a county in which it is alleged that there is a demand for small holdings is not a member of the committee, he shall be added to the committee for the consideration of the alleged demand.

*6. Regulations as to purchase money and sale.]* (1.) The purchase money for each small holding sold by the county council shall include the costs of registration of title, but shall not include any expense incurred by the purchaser for legal or other advice or assistance.

(2.) Every purchaser shall, within such time, not less than one month after the purchase, as is fixed by rules under this Act, complete the purchase.

(3.) On such completion he shall pay not less than one fifth of the purchase money.

(4.) A portion representing not more than one fourth of the purchase money may, if the county council think fit, be secured by a perpetual rentcharge which shall be redeemable in manner directed by section forty-five of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41], with respect to rentcharges to which that section applies.

(5.) The residue (if any) of the purchase money shall be secured by a charge on the holding in favour of the council, and shall either be repaid by half-yearly instalments of principal with such interest, and within such term not exceeding fifty years from the date of the sale, as may be agreed on with the council, or shall if the purchaser so requires, be repaid with such interest and within such term as aforesaid by a terminable annuity payable by equal half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed, in accordance with tables fixed by the county council.

(6.) The council may, if they think fit, agree to postpone for a term not exceeding five years the time of payment of all or any part of an instalment either of principal or interest or of a terminable annuity, in consideration of expenditure by the purchaser which, in the opinion of the council, increases the value of the holding, but shall do so on such terms as will, in their opinion, prevent them from incurring any loss.

(7.) A small holding may be sold subject to such rights of way or other rights for the benefit of other small holdings as the council consider necessary or expedient.

*7. Rules as to mode and conditions of sale.]* Every county council acquiring land under this Act shall make rules for carrying into effect this Act, except as otherwise provided, and in particular—

- (a.) as to the manner in which holdings are to be sold or let or offered for sale or letting; and
- (b.) as to the notice to be given of the offer for sale or letting; and
- (c.) for guarding against any small holding being let or sold to a person who is unable to cultivate it properly, and otherwise for securing the proper cultivation of a holding.

*8. List to be kept by county council.]* Every county council shall keep a list of the owners and occupiers of small holdings sold or let by them, and a map or plan showing the size, boundaries, and situation of each small holding so sold or let.

*9. Conditions affecting small holdings.]* Every small holding sold by a county council under this Act shall for a term of twenty years from the date of the sale, and thereafter so long as any part of the purchase money remains unpaid, be held subject to the following conditions:—

- (a.) That any periodical payments due in respect of the purchase money shall be duly made;
- (b.) That the holding shall not be divided, subdivided, assigned, let, or sublet without the consent of the county council;
- (c.) That the holding shall be cultivated by the owner or occupier as the case may be, and shall not be used for any purpose other than agriculture;
- (d.) That not more than one dwelling-house shall be erected on the holding;
- (e.) That any dwelling-house erected on the holding shall comply with such requirements as the county council may impose for securing healthiness and freedom from over-crowding;

(f.) That no dwelling-house or building on the holding shall be used for the sale of intoxicating liquors;

(g.) In the case of any holding on which, in the opinion of the county council, a dwelling-house ought not to be erected, that no dwelling-house shall be erected on the holding without the consent of the county council.

(2.) If any such condition is broken, the council may, after giving the owner an opportunity of remedying the breach, if it is capable of remedy, cause the holding to be sold.

(3.) If on the decease of the owner while the holding is subject to the conditions imposed by this section, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the council may require the holding to be sold within twelve months after such decease to some one person, and if default is made in so selling the holding, the council may cause the holding to be sold.

(4.) Any sale by the county council under this section may be made either subject to the charge in respect of purchase money or free, wholly or partly, from that charge, and in either case the provisions of this Act with respect to the purchase money shall apply in like manner as if the sale were the first sale of a small holding under this Act.

(5.) The proceeds of the sale shall be applied in discharge of any unpaid purchase money for the holding or redemption of any rentcharge or terminable annuity which is not to continue a charge on the holding, and, subject as aforesaid, shall be paid to the person appearing to the council to be entitled to receive the same.

(6.) The county council may, under special circumstances, to be recorded in their minutes, sell or consent to the sale under this section of a small holding free from all or any of the conditions imposed by this section, and may give such consent on such terms as they think fit.

(7.) Every small holding let by a county council under the foregoing provisions of this Act shall be held subject to the conditions on which it would under this section be held if it were sold, except so far as those conditions relate to the purchase money; and if any such condition or any term of the letting is broken the council may, after giving the tenant an opportunity of remedying the breach (if it is capable of remedy), determine the tenancy.

(8.) Nothing in or done under this section shall derogate from the effect of any building or sanitary bylaws for the time being in force.

*10. Registration of title to small holdings.]* (1.) When a county council have purchased land under this Act, they shall apply for their registration as proprietors thereof with an absolute title under the Land Transfer Act, 1875 [38 & 39 Vict. c. 87].

(2.) Rules under the Land Transfer Act, 1875, may—

- (a) adapt that Act to the registration of small holdings, with such modifications as appear to be required; and
- (b) on the application and at the expense of a county council provide, by the appointment of local agents or otherwise, for carrying into effect the objects of this section.

*11. Right of purchase, if land diverted from agriculture.]* If at any time after the restrictive conditions imposed by this Act have ceased to attach to a small holding, the owner of the holding desires to use the holding for purposes other than agriculture, he shall before so doing, whether the holding is situate within a town or built upon or not, offer the holding for sale, first to the county council from whom the holding was purchased, next to the person or persons (if any) then entitled to the lands from which the holding was originally severed, and then to the person or persons whose lands immediately adjoin the holding, and sections one hundred and twenty-seven to one hundred and thirty of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18], shall apply as if the owner of the small holding were the promoter of the undertaking, and the holding were superfluous lands within the meaning of those sections.

*12. Extension of provisions of 45 & 46 Vict. c. 38.]* Where a person having the powers of a tenant for life within the meaning of the Settled Land Act,

1882, sells, exchanges, or leases, any settled land to a county council for the purposes of this Act, such sale, exchange, or lease may be made at such a price, or for such consideration, or at such rent as, having regard to the said purposes and to all the circumstances of the case, is the best that can be reasonably obtained.

**13. Power to limited owner to sell at a fee farm rent.]** A person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, may grant the settled land, or a part thereof, to a county council for the purposes of this Act in perpetuity, at a fee farm or other rent secured by condition of re-entry, or otherwise as may be agreed upon.

**14. Power to attach grazing rights, &c., to small holdings.]** Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by a county council for the purposes of small holdings, the council may attach any share of the right to any small holding in such manner and subject to such regulations as they think expedient.

**15. Letting of land unsold and sale of superfluous or unsuitable land.]** (1.) A county council shall, if practicable, sell or let as small holdings, and in accordance with this Act, any land acquired under this Act, but if the council are of opinion that any such land is not needed for, or is unsuitable for, small holdings, or cannot be sold or let under the foregoing provisions of this Act, or that some more suitable land is available, they may sell or let the land otherwise than under the said provisions, or exchange the land for other land more suitable for small holdings, and may pay or receive money for equality of exchange, and may erect such buildings or execute such other works as will in the opinion of the council enable the land to be sold or let without loss.

(2.) The council may also, while any sale of a holding is pending in pursuance of this Act, temporarily let or manage the holding for such time and in such manner as they think expedient.

(3.) Sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18] (relating to the right of pre-emption of superfluous lands) shall apply upon any sale in pursuance of this section before any such buildings or works as aforesaid are erected or executed on the land proposed to be sold, but save as aforesaid the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

**16. Provisions as to management of holdings.]** (1.) Where a county council provide small holdings they may delegate, with or without restrictions, the powers of the county council under this Act with respect to the adaptation of land for any holdings, and the sale, letting, and management of any holdings to a committee consisting of—

The county councillor representing the electoral division in which the holdings are situate; and

Two of the allotment managers (if any) under the Allotments Act, 1887 [50 & 51 Vict. c. 48], for the parish or area in which the holdings are situate selected by those managers, or if there are no allotment managers, two persons appointed in manner provided by that Act for the appointment of allotment managers; or

If the holdings are situate within the limits of a municipal borough, then, instead of the persons selected or appointed as aforesaid, two members of the borough council and in the construction of this Act references to the county council shall, in their application to the powers so delegated, include any such committee. Provided that a county council shall not under this section delegate any powers of making or levying a rate or of borrowing money.

(2.) The Local Government Act, 1888 [51 & 52 Vict. c. 41], shall apply to any committee appointed under this section as if it were appointed under that Act.

## PART II.

LOANS BY COUNTY COUNCILS TO TENANTS PURCHASING SMALL HOLDINGS.

**17. Power of county council to advance money for**

*purchase of small holding.]* (1.) Where the tenant of a small holding has agreed with his landlord for the purchase of the holding the county council of the county in which the holding or any part of it is situate may, if they think fit, advance to the tenant on the security of the holding an amount not exceeding four-fifths of the purchase money thereof.

(2.) The provisions of this Act with respect to the purchase money secured by a charge on a small holding sold by a county council, and with respect to any small holding so sold, shall apply to an advance made and a holding purchased under this section, as if the advance was the purchase money, save that the county council shall not guarantee the title of the purchaser of the holding.

(3.) No advance shall be made by a county council under this section, unless they are satisfied that the title to the holding is good, that the sale is made in good faith, and that the price is reasonable.

## PART III.

### SUPPLEMENTAL.

**18. Restrictions on powers of council.]** (1.) A county council shall not acquire land under this Act save at such price that, in the opinion of the council, all expenses incurred by the council in relation to the land will be recouped out of the purchase money for the land sold by the council, or in the case of land let out of the rent, and shall fix the purchase money or rent at such reasonable amount as will, in their opinion, guard them against loss.

(2.) A county council shall not take any proceedings under this Act whereby the charge for the time being on the county rate, for the purposes of this Act, including the annual payments in respect of the loans raised for those purposes, is, in the opinion of the council, likely to exceed in any one year the amount produced by a rate of a penny in the pound, and, where the said charge at any time is equal or nearly equal to that amount, no further land shall be purchased in pursuance of this Act, until the charge has been decreased so as to admit of the further purchase without the charge exceeding the said amount.

**19. Borrowing powers and expenses.]** (1.) A county council may borrow money for the purposes of this Act in accordance with the Local Government Act, 1888 [51 & 52 Vict. c. 41], or, if the council of a county borough, with the Public Health Act, 1875 [38 & 39 Vict. c. 55], except that any money so borrowed shall, notwithstanding anything in either of those Acts, be repaid within such period not exceeding fifty years, as the council, with the consent of the Local Government Board, determine in each case. Provided that money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purpose of section sixty-nine, sub-section two, of the Local Government Act, 1888.

(2.) The Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875 [38 & 39 Vict. c. 89], lend any money which may be borrowed by a county council for the purposes of this Act.

(3.) Every loan by the Public Works Loan Commissioners in pursuance of this Act shall bear such rate of interest, not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

(4.) Any capital money received by a county council in payment or discharge of purchase money for land sold by them, or in repayment of an advance made by them, shall be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.

(5.) The expenses incurred by the council of a county borough under this Act shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

**20. Definitions.]** For the purposes of this Act—The expressions "agriculture" and "cultivation" shall include horticulture and the use

of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables, and the like:

The expression "county" shall mean the area under the authority of a county council:

The expression "county council" shall include the council of a county borough, and the expression "electoral division" in its application to a county borough divided into wards shall mean ward, and in its application to a county borough the expression "county rate" shall mean the borough rate or borough fund:

The expression "county elector" shall include "burgess."

In this Act, and in the enactments incorporated with this Act, the expression "land" shall include any right or easement in or over land.

## 21. Modifications of Act and application to Scotland.]

In the application of this Act to Scotland—

(1.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed as a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845 [8 & 9 Vict. c. 19].

(2.) A reference to the Local Government Act, 1888, shall be construed as a reference to the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50].

(3.) The Secretary for Scotland shall be substituted for the Local Government Board:

(4.) The expression "county rate" shall mean the general purposes rate leviable by a county council:

(5.) The expression "devise" shall mean mortis causa disposition:

(6.) The expression "easement" shall mean servitude:

(7.) The references to county boroughs shall not apply:

(8.) The expression "county elector" shall have the same meaning as in the Local Government (Scotland) Act, 1889.

**22. Modifications with respect to regulations as to purchase money in Scotland.]** With respect to the unpaid purchase money for a small holding under this Act, the following provisions shall have effect in Scotland in lieu of sub-sections four and five of section six of this Act:—

(1.) A portion, representing not more than one fourth of the purchase money, may, if the county council think fit, be converted into a perpetual rentcharge which shall be a real burden affecting the holding, redeemable at any time at the option of the purchaser in accordance with tables fixed by the county council, and the certificate of the county clerk that the redemption money has been paid shall, without any other instrument, operate as an extinction of the rentcharge, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said rentcharge:

(2.) The residue (if any) of the purchase money shall be secured by a bond which shall be a charge on the holding in favour of the county council, and shall either be repaid by half-yearly instalments of principal with such interest and within such term not exceeding fifty years from the date of the sale as may be agreed on with the council, or shall, if the purchaser so requires, be repaid with such interest and within such term by a terminable annuity payable by half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the county council. A certificate by the county clerk that the whole of the said residue has been paid, or that such terminable annuity has been redeemed, shall without any other instrument, operate as a discharge of the said residue and extinction of the said terminable annuity, as the case may be, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said bond.

**23. Modifications as to preparation, &c., of titles, &c., connected with small holdings in Scotland.]** In Scotland the county council shall cause to be prepared and duly registered all deeds, writs, and instruments, necessary for completing the title of the purchases of a small holding, and for securing the payment of any unpaid purchase money, and shall include in the purchase money the cost so incurred, or to be incurred, according to scales set forth in tables fixed by the county council.

Provided that—

- (1) the county council, if they think fit, may appoint a person duly qualified (in the opinion of the sheriff) to carry out the provisions of this section and shall assign to him such salary or other remuneration as they may determine; and
- (2) the county council shall not be liable for any expenses incurred by the purchaser of a small holding for legal or other advice or assistance rendered to him on his own employment.

Sections ten, twelve, and thirteen of this Act shall not apply to Scotland.

**24. Modifications as regards management of holdings in Scotland.]** A committee of a county council appointed under this Act with respect to the adaptation of land for small holdings, and the sale, letting, and management of the holdings, shall, in Scotland, consist of—

The county councillor representing the electoral division in which the holdings are situate; and

Two other members of the county council; and Two persons elected triennially by the county electors in the electoral division aforesaid, in accordance with such regulations as the Secretary for Scotland may from time to time prescribe, whether preliminary or incidental to such election, and for applying to such election any enactments as to offences at the election of county councillors, and for supplying casual vacancies on the committee; or

If the holdings are situate within the limits of any burgh, then, instead of the persons elected as aforesaid, two town councillors or commissioners, as the case may be, to be appointed for that purpose by the town council or commissioners of such burgh.

**25. Extent of Act.]** This Act shall not apply to Ireland.

**26. Commencement of Act.]** This Act shall come into operation on the first day of October, one thousand eight hundred and ninety-two.

**27. Short title.]** This Act may be cited as the Small Holdings Act, 1892.

## CHAPTER 32.

### [Clergy Discipline Act, 1892.]

An Act for better enforcing Discipline in the Case of Crimes and other Offences against Morality committed by Clergymen.

[27th June 1892.]

Be it enacted, &c. :

**1. Effect of conviction of clergyman for treason, felony, or grave misdemeanours, or for certain other offences.]** (1.) If either—

(a) a clergyman is convicted of treason or felony, or is convicted on indictment of a misdemeanour, and on any such conviction is sentenced to imprisonment with hard labour or any greater punishment, or

(b) an order under the Acts relating to bastardy is made on a clergyman, or

(c) a clergyman is found in a divorce or matrimonial cause to have committed adultery, or

(d) an order for judicial separation is made against a clergyman in a divorce or matrimonial cause, or

(e) a separation order is made against a clergyman under the Matrimonial Causes Act, 1878 [41 & 42 Vict. c. 19];

then, after the date at which the conviction, order, or finding becomes conclusive, the preferment (if any) held by him shall, within twenty-one days, without further trial be declared by the bishop to

be vacant as from the said date, and he shall be incapable, save as in this Act mentioned, of holding preferment.

(2.) Provided that if when so convicted he receives a free pardon from the Crown his incapacity shall cease, and if he receives the pardon before the institution of another clergyman to such preferment the bishop shall, within twenty-one days after receiving notice in writing of such pardon, again institute him and cause him to be inducted into the preferment, and no fee shall be payable to any person whomsoever in respect thereof.

(3.) If any act required under this section to be done by a bishop is not done within the said twenty-one days it shall be done by or under the authority of the archbishop of the province.

**2. Complaint against clergyman for immorality.]** If a clergyman either is convicted by a temporal court of having committed an act constituting an ecclesiastical offence, and the foregoing section does not apply to him, or is alleged to have been guilty of an immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not being a question of doctrine or ritual, he may be prosecuted by any of the parishioners of the parish in which such clergyman holds preferment, or by the bishop of the diocese, or by any person approved by the bishop, and tried in the consistory court of the diocese in which he holds preferment, and may be so prosecuted and tried in accordance with the prescribed procedure, subject as follows:—

(a.) If the complaint made against a clergyman appears to the bishop of the diocese to be too vague or frivolous to justify proceedings he shall disallow the prosecution :

(b.) The prosecutor may at any stage of the proceedings be ordered to give security for costs, unless the offence alleged in the prosecution is one of which the clergyman has been convicted by a temporal court :

(c.) If any question of fact (other than the fact of the conviction of a temporal court) has to be determined, and either party to a case so requires, five assessors shall be chosen in the prescribed manner, and shall, for deciding a question of fact, be members of the court; and the decision of such question must either be the unanimous decision of the assessors, or that of the chancellor and at least a majority of the assessors :

(d.) If no such decision is arrived at, the case shall, if either party so desires, be retried as soon as possible, with assessors chosen as before, save that no assessors who acted at the former trial shall act as assessors on the retrial :

(e.) The chancellor on any trial shall preside, and shall alone determine any question of law, and also any question of costs, and whether the question is one of law or of fact shall be deemed to be a question of law.

**3. Election of and mode of choosing assessors.]** (1.) The assessors shall be chosen in the prescribed manner from the list of assessors who shall be elected as soon as possible after the commencement of this Act, and every three years afterwards, as follows (that is to say) :—

(a.) Three shall be elected from their own number by the members of the cathedral church of the diocese;

(b.) Four shall be elected from their own number by the beneficed clergy of each archdeaconry in the diocese; and

(c.) Five shall be elected from the justices of the county by the court of quarter sessions of each county wholly in the diocese, and of such of the counties partly in the diocese as may be prescribed.

(2.) Provided that—

(a.) The consent of an assessor to serve shall be obtained before he is elected; and

(b.) If an assessor ceases to be one of the body from whom he is elected, or resigns, or dies, or becomes incapable of acting, the chancellor may declare a vacancy, and thereupon the vacancy may be filled by another election.

(3.) When the presence of assessors is required, three clergymen and two laymen shall be chosen out of the assessors on the said list by ballot conducted by the registrar in the presence of such (if

any) of the parties as desire to be present by themselves or their representatives.

(4.) The assessors chosen shall be bound to attend when required, and if anyone fails so to attend without a reasonable excuse satisfactory to the chancellor he shall be disqualified for acting or being elected again as assessor, and the chancellor shall declare a vacancy, and the vacancy shall be filled by a new election.

(5.) If any assessor is objected to by either party for reasons approved by the chancellor, he shall be discharged from serving.

(6.) If by reason of any objection or of non-attendance or otherwise the requisite number of assessors is not obtained before the trial, the chancellor shall, if there is time, cause a clergyman or layman, as the case may require, to be chosen from the list of assessors by another ballot, but, if there is not time, shall appoint some clergyman or layman, as the case may require, who is willing to serve, and is not objected to by either party for cause shown and deemed sufficient by the chancellor, to make up the full number of five assessors.

**4. Appeals on question of law or fact.]** (1.) Either party to a case may appeal against any judgment of a consistory court under this Act in respect of any matter of law.

(2.) If a defendant desires to appeal against any judgment of a consistory court under this Act in respect of the facts, he may petition for leave to appeal, and if he satisfies the appellate court that there is a *prima facie* case leave shall be given, and he may appeal.

(3.) An appeal against any interlocutory judgment under this Act, not having the force or effect of a definitive sentence upon the merits of the case, shall not be allowed except by leave of the court.

(4.) An appeal or petition under this section shall be within the prescribed time and in accordance with the prescribed rules, and may (at the option of the appellant or petitioner) be to the provincial court or to Her Majesty the Queen in Council, but if to the provincial court the decision of that court shall be final.

(5.) If there is an appeal, the sentence shall be suspended until the appeal is determined or abandoned, and for the purpose of any inhibition be deemed not to have been given.

**5. Limitation of prosecutions and conclusiveness of conviction, &c.]** (1.) A complaint under this Act for an offence shall not be made after five years from the date of the offence, or of the last of a series of acts alleged as part of the offence, except that complaint may be made within two years after a conviction by a temporal court becomes conclusive.

(2.) A conviction, order, or finding shall become conclusive for the purposes of this Act—

(a) where there has been any appeal (whether by case reserved, special case, motion for new trial, writ of error, appeal, or otherwise), upon the date at which the appeal is dismissed or abandoned, or the proceedings on appeal are finally concluded; and

(b) if there has been no such appeal, upon the expiration of the time limited for such appeal, or where no time is so limited of two months from the date of the conviction, order, or finding;

but, if varied on appeal, shall be conclusive only as so varied, and so far as it is reversed on appeal shall cease to be of any effect.

(3.) After the conviction of a clergyman by a temporal court of committing an act becomes conclusive, a certificate of such conviction shall be conclusive proof in an ecclesiastical court that he has committed the act therein specified, except in the case of a summary conviction, against which there is no right of appeal.

(4.) In the event of any such conviction, order, or finding, by or before a temporal court, as makes the preferment of a clergyman subject to be declared vacant, or renders a clergyman liable to prosecution under this Act, the court shall cause the prescribed certificate of the conviction, order, or finding, to be sent to the bishop of the diocese in which the court sits, and such certificate shall be preserved in the registry of that diocese, or of any other diocese to which it may be sent by direction of the bishop.

**6. Sentences and incapacity for preferment.]** (1.)

When a clergyman is, under this Act, adjudged guilty—

- (a) regard shall be had in considering the sentence to the interests of the ecclesiastical parish or place concerned, and not to precedents of punishments; and
- (b) he may be sentenced in every case to deprivation, and if so sentenced shall be incapable, save as in this Act mentioned, of holding preferment; and
- (c) if he is sentenced to suspension for a term, he shall not, during that term, exercise or perform without leave of the court any right or duty of or incidental or attached to his preferment, nor reside in or within such distance from the house of residence of that preferment as is specified in the sentence, and shall not, at the end of the term, be re-admitted until he has satisfied the court of his good conduct during the term.

(2.) Where by virtue of anything in or done under this Act a clergyman becomes incapable of holding preferment, his incapacity—

- (a) shall cease if he receives a free pardon from the Crown; and
- (b) shall not extend to any preferment which the bishop of the diocese and archbishop of the province in which it is situate, after such public notice, if any, as they think desirable, allow him to hold.

(3.) Where by virtue of anything in or done under this Act the preferment of a clergyman is vacant, the time for lapse shall run from the date at which the prescribed notice of the vacancy is given.

**7. Proceedings in case of disobedience to sentence.** If a clergyman wilfully disobeys a sentence passed under this Act, or any requirement or direction contained in such sentence, he may be cited before the consistory court, and if, after the prescribed proceedings for enabling him to show cause to the contrary, the chancellor is satisfied that the clergyman has been so wilfully disobedient and ought to be punished for it, the chancellor may pronounce judgment against him, which shall be subject to the like appeal as if pronounced on a trial under this Act, and sentence him to such ecclesiastical punishment as the gravity of the case appears to require, including a sentence of deprivation; and where any sentence is so passed, the writ de cunctum capiendo shall not be issued.

**8. Power to bishop to depose from holy orders a clergyman whose preferment is vacated under Act.** Where by virtue of this Act, or of any sentence passed in pursuance of this Act, the preferment of a clergyman becomes vacant, and it appears to the bishop of the diocese that such clergyman ought also to be deposed from holy orders, the bishop may, by sentence and without any further formality, depose him, and the sentence of deposition shall be recorded in the registry of the diocese: Provided always, that such clergyman may appeal against the said sentence within one month from the date thereof to the archbishop of the province, whose decision shall be final.

**9. Power to make rules.** (1.) The Rule Committee, that is to say the Lord Chancellor, the Lord Chief Justice of England, the judge of the provincial court, and the archbishops and bishops who are members of the Privy Council, or any three of the said persons, two of them being the Lord Chancellor and one other of the aforesaid judicial persons, may make rules for carrying this Act into effect, and in particular for regulating all matters relating to procedure, practice, costs, expenses, and fees under this Act, including the appeals (so far as rules made by the Privy Council or the Judicial Committee do not extend), the electing and choosing of assessors, the place of sitting of the court, the giving of security for costs, the passing of sentences, the validity of proceedings notwithstanding defects of form or irregularity, the application of this Act to a clergyman who cannot be found, or holds no preferment, or several preferments, the liability to and recovery of costs and expenses, the forms to be used, and all matters incidental to or connected with the administration of justice under this Act.

(2.) Every rule purporting to be made in pursuance of this section shall be forthwith laid before both Houses of Parliament, and if an address is presented to Her Majesty the Queen by either

House within the next forty days thereafter on which that House has sat, praying that any such rule may be annulled, Her Majesty in Council may annul the same, without prejudice to the validity of anything done in the meantime in pursuance thereof; but subject as aforesaid, every rule shall, while unrevoked, be of the same validity as if enacted in this Act.

**10. Supplemental.** (1.) Sections two, six, fourteen, eighteen, twenty-two, and twenty-five of the Church Discipline Act, 1840 [3 & 4 Vict. c. 86] (which sections are set out in the schedule to this Act), shall apply as if they were herein re-enacted and in terms made applicable to proceedings under this Act, and with the substitution of the chancellor for the assessor of the bishop, and section fourteen of that Act shall apply where a clergyman is accused before a temporal court of any criminal offence, or of any act constituting an ecclesiastical offence, in like manner as it applies where a charge for the like offence is pending in an ecclesiastical court.

(2.) The consistory court means the court having the powers and duties of a consistory court of a diocese; and shall have jurisdiction over every place, district, and preferment, exempt or peculiar, over which the bishop of the diocese has, by virtue of this Act or otherwise, jurisdiction.

(3.) A bishop may act as bishop for the purposes of this Act in relation to a clergyman holding in his diocese a preferment of which the bishop is patron.

(4.) The judgment of a consistory court or (on appeal) of the appellate court that a clergyman has been guilty of an immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not a question of doctrine or ritual, shall be conclusive that the offence charged is cognizable by a consistory court under this Act.

(5.) The bishop may appoint as a deputy chancellor a barrister of not less than seven years standing, or the holder of a judicial appointment.

**11. Employment under Act no ground for pension, &c.** No person shall by reason of any employment or emolument under this Act acquire any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

**12. Definitions.** In this Act, unless the context otherwise requires,—

The expression "clergyman" means a clergyman, not being a bishop of a diocese, who is in holy orders in the Church of England, or who, though ordained by a bishop of another church, is permitted to officiate as a priest or deacon of the Church of England:

The expression "chancellor" means the judge of the consistory court by whatever name known:

The expression "provincial court" means as respects the province of Canterbury the Arches Court of Canterbury, and as respects the province of York the Chancery Court of York:

The expression "county" includes a riding or division having a separate court of quarter sessions:

The expression "member of a cathedral church" means any dean, residential canon, non-residential canon, prebendary or honorary canon of that cathedral:

The expression "archdeaconry" includes the Isle of Ely:

The expression "judicial appointment" includes a chairmanship of quarter sessions and a police or stipendiary magistracy:

The expression "judgment" includes decree and order:

The expression "prescribed" means prescribed by rules made in pursuance of this Act:

The expression "Church Discipline Act, 1840," means the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter eighty-six, intituled "An Act for better enforcing Church discipline":

The expressions "immoral act," "immoral conduct," and "immoral habit" shall include such acts, conduct, and habits as are proscribed by the seventy-fifth and one hundred and ninth canons issued by the

Convocation of the Province of Canterbury in the year one thousand six hundred and three.

**13. Exclusion of question of doctrine or ritual, and savings.** (1.) Nothing in this Act shall

(a) render a clergyman liable to be tried or sentenced under this Act in respect of any question of doctrine or ritual; or

(b) affect any prerogative of Her Majesty the Queen as respects pardon or otherwise; or

(c) affect the liability of a clergyman to any prosecution, action, or proceeding, in any court other than an ecclesiastical court, but if he can be prosecuted under this Act for an offence, any other criminal proceeding against him for that offence shall not be instituted in an ecclesiastical court.

(2.) This Act shall apply only to a clergyman who either holds preferment within the meaning of this Act, or resides or has committed the offence in England or Wales; and where a clergyman holds a licence from a bishop in England or Wales, this Act shall apply to that clergyman, notwithstanding that he resides elsewhere, as if he held preferment in the diocese of that bishop.

**14. Short title, commencement of Act, and repeal.** (1.) This Act may be cited as the Clergy Discipline Act, 1892.

(2.) This Act shall come into operation at the expiration of three months next after it passes, and, so far as regards any prosecution and trial under this Act, apply to offences committed before or after the passing or commencement thereof.

(3.) The Church Discipline Act, 1840, shall, except so far as the sections in the schedule to this Act are applied by this Act, be repealed as respects any proceeding instituted after the commencement of this Act against a clergyman for an offence for which he can be prosecuted or his benefice declared vacant under this Act.

[Schedule containing sections 2, 6, 14, 18, 22, and 25 of the Church Discipline Act, 1840 [3 & 4 Vict. c. 86].]

### CHAPTER 33.

[Appropriation Act, 1892.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-three, and to appropriate the Supplies granted in this Session of Parliament.

[27th June 1892.]

### CHAPTER 34.

[Naval Knights of Windsor (Dissolution) Act, 1892.]

An Act for dissolving the Corporation styled the Naval Knights of Windsor of the foundation of Samuel Travers, Esquire, and for regulating the application of the property thereof, and for applying and amending the Greenwich Hospital Acts. [27th June 1892.]

### CHAPTER 35.

[Colonial Stock Act, 1892.]

An Act to amend the Colonial Stock Act, 1877, so far as regards the mode of transfer of Stock to which that Act applies.

[27th June 1892.]

Be it enacted, &c. :

**1. Short title.** This Act may be cited as the Colonial Stock Act, 1892, and this Act and the Colonial Stock Act, 1877 [40 & 41 Vict. c. 59], may be cited together as the Colonial Stock Acts, 1877 and 1892.

**2. Amendment of 40 & 41 Vict. c. 59, as respects mode of transfer of stock.** (1.) Any stock issued after the passing of this Act to which the Colonial Stock Act, 1877, applies may, if so provided by regulations under section 16 of that Act (which regulations the registrar is hereby authorised to make), be transferred by deed according to the form in the schedule to this Act, or to the like effect, and such deed, when duly executed by all parties, shall be delivered to the registrar and kept by him, and a memorial thereof shall be entered in the register.

(2.) On demand of the holder of any stock transferable by deed the registrar shall cause a certificate of the proprietorship thereof to be delivered to each holder, and such certificate shall be prima facie evidence of the title of the holder to the stock therein specified; nevertheless the want of such certificate shall not prevent the holder of any stock from disposing thereof.

(3.) Where stock of a colony has been issued before the passing of this Act, and the regulations for the transfer of such stock provide for its transfer in like manner as is authorised by this Act, the Government of the colony, if desirous that the Colonial Stock Act, 1877, as amended by this Act, should apply to the said stock, may, by a declaration made, deposited, and recorded in like manner as a declaration adopting that Act, declare such desire, and identify the stock with reference to which the declaration is made and thereupon this Act shall apply as if it had been enacted before the issue of the stock and the said regulations had been made in pursuance of section sixteen of the Colonial Stock Act, 1877.

(4.) Section nineteen of the Colonial Stock Act, 1877, shall not apply to any stock in respect to which the provisions of that section have not been observed before the passing of that Act.

(5.) A declaration under this Act may be made whether there has or has not been a prior declaration applying to the stock the Colonial Stock Act, 1877.

3. *Application of Act to Isle of Man.* This Act shall apply to the Isle of Man in like manner as if section six of the Isle of Man Loans Act, 1880 [43 & 44 Vict. c. 8], referred to the Colonial Stock Act, 1877, as amended by this Act, and that section shall be deemed to have authorised the Government of the Isle of Man to provide for the transfer of stock in manner provided by this Act.

SCHEDULE.

STOCK.

[Here identify stock.]

I, or we,  
of  
in consideration of the sum of £  
paid by  
being the consideration money  
for pounds stock do Money.  
hereby transfer the said stock [together  
with the interest accrued thereon since the  
last half-yearly payment of such interest]  
to the said transferee.

And the said transferee hereby accepts  
the transfer of the same subject to the  
conditions on which the transferor held the  
same.

Witness our hands and seals this  
day of one thousand eight hundred  
and ninety.

Signed, sealed, and delivered by  
the above-named

in the presence of

Signature of  
witness

Address

Occupation

Signed, sealed, and delivered by  
the above-named

in the presence of

Signature of  
witness

Address

Occupation

CHAPTER 36.

[*Forged Transfers Act, 1892.*]

An Act to remove doubts as to the meaning of  
the Forged Transfers Act, 1891.

[27th June 1892.]

Be it enacted, &c.:

1. *Short Title.* This Act may be cited as the  
Forged Transfers Act, 1892, and this Act and the  
Forged Transfers Act, 1891 [54 & 55 Vict. c. 43],

may be cited together as the Forged Transfers  
Acts, 1891 and 1892.

2. *Removal of doubt as to the operation of 54 & 55  
Vict. c. 43.* Whereas by sub-section one of  
section one of the Forged Transfers Act, 1891, it  
is provided that such company or local authority  
as therein mentioned "shall have power to make  
compensation by a cash payment out of their  
funds for any loss arising from the transfer of any  
such shares, stock, or securities in pursuance of a  
forged transfer, or of a transfer under a forged  
power of attorney," and it is expedient to remove  
doubts as to the application of the Act to losses  
and forgeries before the passing of the Act: Be it  
therefore enacted as follows:—

The Forged Transfers Act, 1891, shall have effect  
as if at the end of sub-section one of section  
one of that Act there were added the words  
"whether such loss arises, and whether the  
transfer or power of attorney was forged  
before or after the passing of this Act, and  
whether the person receiving such compen-  
sation, or any person through whom he  
claims, has or has not paid any fee or otherwise  
contributed to any fund out of which the  
compensation is paid."

3. *Amendment of 54 & 55 Vict. c. 43, s. 1 (2).* Sub-section two of section one of the said Act  
shall be read as if, after the words "on any one  
hundred pounds transferred," were inserted the  
words "with a minimum charge equal to that for  
twenty-five pounds."

4. *Provision where one company takes over shares, &c.,  
of another company.* Where the shares, stock, or  
securities of a company or local authority have by  
amalgamation or otherwise become the shares,  
stock, or securities of another company or local  
authority, the last-mentioned company and  
authority shall have the same power under the  
Forged Transfers Act, 1891, and this Act, as the  
original company or authority would have had if  
it had continued.

CHAPTER 37.

[*Merchant Shipping Act, 1892.*]

An Act to amend the Merchant Shipping Acts.  
[27th June 1892.]

Be it enacted, &c.:

1. *Ships with submerged load lines to be deemed to be  
unsafe.* Every ship so loaded as to submerge in  
salt water the centre of the disc placed thereon in  
pursuance of the Merchant Shipping Acts, 1876 to  
1890, and the regulations made thereunder, shall be  
deemed to be "unsafe" within the meaning of the  
Merchant Shipping Act, 1876 [39 & 40 Vict. c. 80],  
and such submersion shall be reasonable and  
probable cause for the detention of the ship.

2. *Penalty for default in complying with regulations  
as to freeboard.* If any person makes default in  
complying with any regulation made by the Board  
of Trade in pursuance of the Merchant Shipping  
Act, 1890 [53 & 54 Vict. c. 9], with respect to  
the entry, publication, or delivery of copies of  
certificates or other particulars as to the draught of  
water and freeboard of a ship, he shall for each  
such default incur a penalty not exceeding one  
hundred pounds.

3. *Provisions and water for crew to be inspected.* (1.) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the prescribed officer shall in the prescribed manner, and before shipment whenever practicable, inspect the barrels of beef and pork, preserved meat and vegetables in tins, and the casks of flour or biscuits intended for the use of the crews of such ships, and shall in the prescribed manner, if satisfied that they are fit for such use, certify the same accordingly.

(2.) The prescribed officer may at any time proceed on board a ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of such ship. If he finds the same not to have been inspected, and deficient in quality, he shall detain the ship until such defects are remedied to his satisfaction.

(3.) No fee for such inspection shall be levied on the ship.

4. *Appointment of officers.* The Board of Trade  
may appoint officers for the purposes of any in-  
spection required under this Act, and may, with  
the concurrence of the Treasury, assign them  
remuneration to be paid out of moneys provided  
by Parliament.

5. *Rules to be laid before Parliament.* All rules  
made under this Act shall be laid before Parliament  
within three weeks after they are made, if Parliament  
be then sitting, and if Parliament be not then  
sitting, within three weeks after the beginning of the  
next meeting of Parliament, and shall not come into operation until they have  
laid for forty days before both Houses of Parliament  
during the session of Parliament.

6. *Citation, construction, and rules.* (1.) This  
Act may be cited as the Merchant Shipping Act,  
1892, and shall be construed as one with the  
Merchant Shipping Act, 1854, and the Acts  
amending the same.

(2.) The Board of Trade may make rules for the  
purposes of this Act, and the expression "pre-  
scribed" means prescribed by rules so made.

CHAPTER 38.

[*Police Returns Act, 1892.*]

An Act to alter the period for which certain  
Police Returns are required to be made.

[27th June 1892.]

Be it enacted, &c.:

1. *Amendment of provision as to annual police  
returns.* The annual statement required by section  
fourteen of the County and Borough Police Act,  
1856 [19 & 20 Vict. c. 69], shall be made for each  
calendar year, and shall be transmitted to one of  
Her Majesty's principal Secretaries of State as  
soon as may be after the termination of that year.

2. *Commencement.* This Act shall come into  
operation on the first day of January one thousand  
eight hundred and ninety-three.

3. *Short title.* This Act may be cited as the  
Police Returns Act, 1892.

CHAPTER 39.

[*National Debt (Stockholders Relief) Act,  
1892.*]

An Act to amend the National Debt Act, 1870.  
[27th June 1892.]

Be it enacted, &c.:

1. *Notice to stockholder of impending transfer of un-  
claimed stock.* The Bank shall during the six  
months next before any transfer of stock to the  
National Debt Commissioners in pursuance of  
section fifty-one of the National Debt Act, 1870  
[33 & 34 Vict. c. 71], give notice in writing to the  
stockholder at his registered residence of the im-  
pending transfer.

2. *Date for striking balance.* The Bank may  
strike the balance for a dividend on stock on any  
day not being more than thirty-seven days before  
the day on which the dividend is payable, and any  
person who is on the day of the balance being  
struck inscribed as a stockholder shall, as between  
himself and any transferee of the stock, be entitled  
to the then current half-year's or quarter's divi-  
dend thereon.

3. *Infants.* In the following cases, namely,—  
(a.) Where an infant is the sole survivor in an  
account; and  
(b.) Where an infant holds stock jointly with a  
person under legal disability; and  
(c.) Where stock has by mistake been bought  
in or transferred into the sole name of an  
infant,

the Bank may, at the request in writing of the  
parent, guardian, or next friend of the infant,  
receive the dividends and apply them to the pur-  
chase of like stock, and the stock so purchased  
shall be added to the original investment.

4. *Powers of stockholders under statutory provisions.*  
(1.) Where, by virtue of any provision in an  
Act of Parliament, the right to stock is vested in  
any person, he shall by virtue of the same provi-  
sions

sion be deemed to be entitled to make a valid transfer of the stock and to receive and give a valid receipt for any accrued or accruing dividends on the stock.

(2.) Where by virtue of any such provision the right to transfer stock is vested in any person, he shall by virtue of the same provision be deemed to be entitled to receive, and give a valid receipt for, any accrued or accruing dividends on the stock.

5. *Power to hold stock on different accounts.* The Bank may in any register of stock allow any holder or joint holders to have more than one account. Provided as follows:—

(1.) Each account must be distinguished by a number or by such other designation as may be directed by the Bank:

(2.) The Bank shall not be required to permit more than four accounts to be opened in the same name or names; and

(3.) Nothing in this section shall affect the Bank with notice of any trust.

6. *Holding of stock by bodies corporate.* Stock may be transferred to and held in the names of an individual and a body corporate, or of two or more bodies corporate, and any such holding shall in its relation to the Bank be deemed a joint tenancy.

7. *Loss or destruction of stock or scrip certificate.* (1.) In the event of the loss or destruction of a stock certificate or scrip certificate, the Bank, before authorising the issue of a duplicate, may require:—

(a.) Evidence to the satisfaction of the Bank of the loss or destruction and ownership of the certificate; and

(b.) A delay of not more than one year from the date of the loss or destruction; and

(c.) The advertisement of the loss or destruction in two or more London or Dublin daily papers (as the case requires); and

(d.) Either the transfer of a sum of stock, of a description approved by the Governor or Deputy Governor of the Bank, equivalent to the market value on the day of transfer of the lost or destroyed certificate, and at least six and a half years dividends thereon, into the joint names of the Governor and Deputy Governor, by way of security; or the execution of a bond of indemnity in which the owner shall be joined by one or more responsible persons.

(2.) After the expiration of six years from the date of the transfer of the stock, or of the execution of the indemnity, the person interested may, having duly advertised the facts a second time in two or more London or Dublin daily papers (as the case requires) request the Bank to release the stock or to cancel the indemnity, and, on such request being complied with, any other claimant shall not have any claim against the Bank, but shall have recourse against the person who obtained the duplicate certificate.

8. *Application to stocks transferable in books of Bank.* This Act shall apply to all stock for the time being transferable in the books of the Bank, except so far as there is anything to the contrary in any Act under which the stock was created.

9. *Meaning of Bank.* In this Act the expression "Bank" means the Bank of England or the Bank of Ireland, as the case may require.

10. *Short title and construction.* This Act may be cited as the National Debt (Stockholders Relief) Act, 1892, and shall be read as one with the National Debt Act, 1870 [33 & 34 Vict. c. 71].

#### CHAPTER 40.

[*Superannuation Act, 1892.*]

An Act to amend the Acts relating to Superannuation Allowances and Gratuities to Persons in the Public Service so far as respects the computation of successive Service in different Offices where not all subject to the Superannuation Acts, 1834 and 1887, and as respects the application of Section Six of the Superannuation Act, 1887, to Employments of Profit under the Government of India. [27th June 1892.]

#### CHAPTER 41.

[*Boards of Management of Poor Law District Schools (Ireland) Act, 1892.*]

An Act to provide for expenses incurred by Members of Boards of Management of Poor Law District Schools in Ireland.

[27th June 1892.]

#### CHAPTER 42.

[*Irish Education Act, 1892.*]

An Act to improve National Education in Ireland.

[27th June 1892.]

#### CHAPTER 43.

[*Military Lands Act, 1892.*]

An Act to consolidate and amend certain Enactments relating to the Acquisition of Land for Military Purposes.

[27th June 1892.]

Be it enacted, &c.:—

#### PART I.

*Acquisition of Land for Military Purposes.*

1. *Powers to purchase land.* (1.) A Secretary of State may purchase land in the United Kingdom under this Act, for the military purposes of any portion of Her Majesty's military forces.

(2.) A volunteer corps may, with the consent of the Secretary of State, themselves purchase land under this Act for military purposes.

(3.) The council of a county or borough may, at the request of one or more volunteer corps, purchase under this Act, and hold, land on behalf of the volunteer corps for military purposes.

(4.) The Secretary of State shall, before giving his consent to the purchase of any land under this Act by a volunteer corps, send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly.

2. *Machinery for purchase of land.* For the purpose of the purchase of land under this Act, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following: (that is to say),

(1.) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act.

(2.) In the construction of this Act and the incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State, volunteer corps, or council of a county or borough, as the case may be (in this section referred to as "the purchaser"), shall be deemed to be the promoters of the undertaking.

(3.) Where the Secretary of State is the purchaser—

(a.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Secretary of State, and shall be sufficient without the addition of the sureties in those sections mentioned.

(b.) When compensation has been paid to any person in respect of any estate or interest in land taken under this Act, the land shall vest in the Secretary of State for all the estate and interest of that person, including any estate or interest therein held in trust by that person or capable of being conveyed by him in pursuance of any power. Nevertheless the Secretary of State may require that person to execute any conveyance which he might have been required to execute if this Act had not passed; and nothing in this section shall in any manner invalidate any such conveyance when executed.

(4.) The provisions of the incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until a

Provisional Order has been made and the sanction of Parliament has been obtained in manner in this Act mentioned.

(5.) One month at the least before the making of the Provisional Order, if the Secretary of State is the purchaser, and before the application for the Order in any other case, the purchaser shall serve, in manner provided by the Lands Clauses Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the purchaser to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissent to the taking of his land, and requesting him to forward to the purchaser any objections he may have to his land being taken.

(6.) Where the Secretary of State is the purchaser, he shall, at some time after the service of the notice, cause a public local inquiry to be held by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry.

(7.) Where the purchaser is a volunteer corps or the council of a county or borough—

(a.) The corps or council may, if they think fit, on compliance with the provisions of this section with respect to notices, present a petition to a Secretary of State. The petition shall state the land intended to be taken, and the purposes for which the land is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of the land, or who have returned no answer to the notice. The petition shall pray that the corps or council may, with reference to the land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and the prayer shall be supported by such evidence as the Secretary of State requires:

(b.) On receipt of the petition and on due proof of the proper notices having been served, the Secretary of State shall take the petition into consideration, and may either dismiss the same, or direct a public local inquiry to be held by a competent officer as to the propriety of assenting to the prayer of the petition.

(8.) Before a local inquiry is held in pursuance of this section the Secretary of State shall publish a notice of the intention to hold the inquiry—

(a) by affixing copies conspicuously on or in the immediate neighbourhood of the land proposed to be acquired; and

(b) by advertising the notice once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood.

(9.) If after the local inquiry has been held the Secretary of State is satisfied that the land ought to be taken, he may make a Provisional Order to that effect, authorising the taking of the land either by himself or by a volunteer corps or by a council of a county or borough, as the case may be, and may submit a Bill to Parliament for the confirmation of the Provisional Order, but the Provisional Order shall not be of any effect unless and until it is confirmed by Parliament.

(10.) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill, so far as relates to the Order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

3. *Power to let land.* Land acquired under this Act may be let by a volunteer corps, or if acquired

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by the council of a county or borough by that council, in any manner consistent with the use thereof for military purposes.

4. *Payment of expenses.*] Any expenses incurred by the council of a county or borough for the purposes of this Act shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

5. *Power of volunteer corps to borrow.*] (1.) A volunteer corps may, with the consent of the Secretary of State, and subject to such conditions as he may impose, borrow such money as may be required for the purpose of the purchase by them of land under this Act.

(2.) The money shall be borrowed on the security of the land acquired by the volunteer corps, and also on the security of any grant to the corps out of money provided by Parliament.

6. *Powers of borough council to borrow.*] The council of a borough may borrow for the purpose of acquiring land under this Act in like manner as they may borrow for the purposes of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and the provisions of that Act shall apply accordingly, but the money shall be borrowed on the security of the borough fund or borough rate.

7. *Power for Public Works Loan Commissioners to lend.*] (1.) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875 [38 & 39 Vict. c. 89], lend any money which may be borrowed for the purposes of this Act, and may so lend on the security authorized by this Act without requiring any other security.

(2.) Every loan by the Public Works Loan Commissioners under this Act shall be repaid within a period not exceeding fifty years, and shall bear interest at a rate not less than three and a half per centum per annum, or such other rate as may be fixed by a minute of the Treasury under section two of the Public Works Loans Act, 1879 [42 & 43 Vict. c. 77].

8. *Provision as to disbandment of corps, &c.*] (1.) If a volunteer corps holding land under this Act is disbanded, the land shall, by virtue and subject to the provisions of this section, vest in the Secretary of State from the date of the disbandment, subject to the repayment of any money borrowed for the purchase of the land, and not already repaid, and the sums required for such repayment shall, if and so far as not provided by the sale of the land, be paid out of moneys provided by Parliament for Army services.

(2.) A certificate of the Secretary of State that land has vested in him under this section shall be conclusive evidence of the fact certified.

(3.) If the volunteer corps on whose behalf land is acquired under this Act by a county or borough council is disbanded, the council may either appropriate the land to any purpose approved by the Local Government Board, or sell it for the best price that can be reasonably obtained, and any money arising from the sale shall be applied towards repaying any money borrowed for the purchase of the land, and so far as not required for that purpose shall be applied to any purpose to which capital moneys are properly applicable, and which is approved by the Local Government Board.

Provided that before so appropriating any such land or before selling any such land, if it is not so appropriated, the council shall offer to sell the same to the person then entitled to the land (if any) from which the same was originally severed, and thereupon sections one hundred and twenty-nine to one hundred and thirty-two, both inclusive, of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18], shall apply as if the land were superfluous land and the council were the promoters of the undertaking within the meaning of those sections.

9. *Rules as to exercise of powers, &c., by volunteer corps.*] (1.) Rules under section twenty-four of the Volunteer Act, 1863 [26 & 27 Vict. c. 65], may provide for the exercise of any powers and the performance of any duty under this Act by any officer of the volunteer corps on behalf of the corps, and may provide generally for the carrying into effect of this Act by a volunteer corps.

(2.) The powers given by section twenty-five of

the Volunteer Act, 1863, to the commanding officer for the time being of a volunteer corps and his successors shall include a power to mortgage any land acquired under this Act and to do all things necessary for that purpose.

10. *Provision as to land belonging to Crown, &c.*]

(1.) The Commissioners of Woods with the consent of the Treasury, as to land belonging to the Crown, the Chancellor and Council of the Duchy of Lancaster by deed under the hand and seal of the Chancellor, attested by the clerk of the Council, as to land forming part of possessions of the Duchy of Lancaster, and the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to the Duchy of Cornwall, as to land forming part of possessions of that duchy, may lease land for military purposes to a Secretary of State or a volunteer corps for a term not exceeding twenty-one years, but the lease shall cease to have effect if the land ceases to be used for military purposes.

(2.) Where any land is vested in the Crown and is under the management of any commissioners or departments other than the Commissioners of Woods, and where land is held by any public department for the public service, the commissioners or department having the management of the lands may exercise, as regards the land, any powers which under this Act may be exercised as respects land belonging to the Crown by the Commissioners of Woods.

(3.) The Commissioners of Works may lease to a Secretary of State or to a volunteer corps for military purposes any portion of such royal parks, gardens, and possessions as are under the management of those Commissioners, for a term not exceeding twenty-one years, and subject to such conditions as the Commissioners think fit; but the lease shall be at all times revocable by Her Majesty.

11. *Power to lease land held for public purposes.*] (1.) Any person, body of persons, or authority holding land for ecclesiastical or public purposes may lease any such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions :

(a.) An ecclesiastical corporation sole below the dignity of a bishop shall not grant any such lease without the consent in writing of the bishop to whose jurisdiction he is subject, and of the patron of the preferment to which the land belongs, or the guardians or trustees of such patron :

(b.) A lease of parochial property shall be granted under and in accordance with the provisions of section three of the Union and Parish Property Act, 1835 [5 & 6 Will. 4, c. 69], and the Acts amending the same :

(c.) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons duly convened may grant a lease under this section and execute any instrument for that purpose :

(d.) Where the land belongs to an administrative county, the county council may grant a lease under this section with the consent of the Local Government Board.

(2.) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

12. *Proof that land has ceased to be used for military purposes.*] Any land leased under this Act shall be deemed to have ceased to be used for military purposes where there has not been such use for a period of one year, and a certificate of the fact of such non-use is given by a Secretary of State; and the certificate shall be conclusive evidence of the fact of such non-use.

13. *Power to stop or divert footpaths.*] (1.) Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may, with the consent of the vestry of the parish in which the same is situate, and on the certificate of two justices that the footpath to be substituted is convenient for the public, be stopped up or diverted.

(2.) The provisions of the Highway Act, 1835 [5 & 6 Will. 4, c. 50], as to the obtaining of a certifi-

cate and the stopping up or diverting a highway where a person other than the inhabitants or vestry are desirous of stopping up, diverting, or turning a highway shall apply so far as practicable to the obtaining of a certificate, and the stopping up or diverting a footpath under this section; with this exception, that the certificate of the justices shall be conclusive in cases where it states the fact of their having viewed the footpath to be stopped up or diverted, and that the proposed new footpath is convenient for the public.

PART II.

*Byelaws as to Land used for Military Purposes.*

14. *Power of Secretary of State to make byelaws as to use of land held for military purposes and securing safety of public.*] (1.) Where any land belonging to a Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of a Secretary of State for any military purpose, a Secretary of State may make byelaws regulating the use of the land for the purposes to which it is appropriated, and for securing the public against danger arising from that use, with power to prohibit all intrusion on the land and all obstruction of the use thereof.

Provided that no byelaws promulgated under this section shall authorise the Secretary of State to take away or prejudicially affect any right of common.

(2.) Where any such byelaws permit the public to use the land for any purpose when not used for the military purpose to which it is appropriated, those byelaws may also provide for the government of the land when so used by the public, and the preservation of order and good conduct thereon, and for the prevention of nuisances, obstructions, encampments, and encroachments thereon, and for the prevention of any injury to the same, or to anything growing or erected thereon, and for the prevention of anything interfering with the orderly use thereof by the public for the purpose permitted by the byelaws.

(3.) For the purposes of this section, "land belonging to a Secretary of State" means land under the management of a Secretary of State, whether vested in Her Majesty or in the Secretary of State, or in a person as trustee for Her Majesty or the Secretary of State; and "land belonging to a volunteer corps" means any land vested in that corps or in any person as trustee for that corps.

15. *Application of byelaws where right of firing acquired.*] Where a Secretary of State or a volunteer corps has for the time being the right of using for any military purpose any land vested in another person, this Part of this Act shall apply in like manner as if the land were vested in the Secretary of State or volunteer corps, and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

16. *Byelaws as to highways.*] (1.) A byelaw under this Act shall not interfere with any highway, unless made with the consent of the authority having control of the repair of the roads of the town, district, parish, or other area in which the highway is situate, but where it appears to the authority that any highway crosses or runs inconveniently or dangerously near to any land the use of which can be regulated by byelaws under this Act, the authority may consent to a byelaw providing to such extent as seems reasonable for the temporary diversion from time to time of the highway, or for the restriction from time to time of the use thereof.

(2.) Any such highway, if a footpath, may (without prejudice to any other power of stopping up or diverting the same) be stopped up or diverted in the manner in which a footpath crossing or running inconveniently or dangerously near to any land leased under Part One of this Act may be stopped up or diverted.

17. *Notice and enforcement of byelaws.*] (1.) A Secretary of State, before making any byelaws under this Act, shall cause the proposed byelaws to be made known in the locality, and give an opportunity for objections being made to the same, and shall receive and consider all objections made;

and when any such byelaws are made, shall cause the boundaries of the area to which the byelaws apply to be marked, and the byelaws to be published, in such manner as appears to him necessary to make them known to all persons in the locality; and shall provide for copies of the byelaws being sold at the price of one shilling for each copy to any person who desires to obtain the same.

(2.) If any person commits an offence against any byelaw under this Act, he shall be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding five pounds, and may be removed by any constable or officer authorised in manner provided by the byelaw from the area, whether land or water, to which the byelaw applies, and taken into custody without warrant, and brought before a court of summary jurisdiction to be dealt with according to law, and any vehicle, animal, vessel, or thing found in the area in contravention of any byelaw, may be removed by any constable or such officer as aforesaid, and on due proof of such contravention, be declared by a court of summary jurisdiction to be forfeited to Her Majesty.

(3.) A byelaw under this Act shall be deemed to be a regulation within the meaning of the Documentary Evidence Act, 1868 [31 & 32 Vict. c. 37], and may be proved accordingly.

18. *Byelaws in case of leased land.* (1.) Where land has been leased under Part One of this Act, a byelaw made in respect of that land shall not be inconsistent with any condition contained in the instrument of lease.

(2.) Where land has been leased under Part One of this Act subject to a condition that byelaws relating to the land shall be made with the consent of the lessor, or shall be made by the lessor subject to the approval of the Secretary of State, that condition shall be observed, and the lessor, acting with the approval of the Secretary of State, shall have the same power of making byelaws in relation to the land as is conferred by this Act on the Secretary of State.

### PART III.

#### Supplemental.

19. *Application of Act to yeomanry corps.* This Act shall apply in the case of a yeomanry corps as if it were a volunteer corps; and all land acquired by a yeomanry corps shall vest in the commanding officer of the corps for the time being and his successors in office with power for him to sue and make contracts and conveyances and to do all other lawful acts relating thereto.

20. *Power to have compensation settled by arbitration.* Where any land is acquired under this Act or for military purposes under any Act with which the Lands Clauses Acts are incorporated, the person or authority acquiring the land may require that the compensation to be paid for the land be settled by arbitration and not by reference to a jury, and thereupon the provisions of the Lands Clauses Acts with reference to arbitration shall, if not already applicable, apply for the purpose of settling the compensation.

21. *Power to enter on land to fix alignment marks.* Where the Secretary of State certifies that it is necessary for the purposes of coast defence operations that alignment marks should be provided in any places upon the coast, the following provisions shall apply for that purpose:—

(a.) Any person authorised by the Secretary of State may, after seven days' notice to the owner of the land, enter upon any land for the purpose of erecting, repairing, or replacing such alignment marks, and may do all things necessary for any such purpose, but shall do as little damage to the land as possible.

(b.) Full compensation shall be paid to the owner of the land for any damage caused in or by the erection, repair, or replacement of such alignment marks, and in case of dispute the amount of compensation shall be determined by arbitration under the Arbitration Act, 1889 [52 & 53 Vict. c. 49.]

(c.) If any person refuses to permit any authorised person to enter upon any land for the purpose of this section, or obstructs the erection, repair, or replacing of any such alignment marks, or destroys, displaces,

damages, or obstructs, any such alignment marks, he shall be liable on summary conviction to a fine not exceeding five pounds.

22. *Saving for acquisition of land under other Acts.* All powers given by this Act shall be in addition to any other power to acquire land for military purposes conferred by any Act passed before this Act, and nothing contained in this Act shall prejudicially affect the powers vested in the Secretary of State for War under the Defence Acts and the Acts incorporated therewith.

23. *Interpretation.* In this Act the expression "military purposes" includes rifle or artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State.

In this Act and the enactments incorporated therewith the expression "land" includes any easement in or over lands, and for the purpose of Part One of this Act includes any right of firing over lands or other right of user.

24. *Saving for New Forest.* Nothing in this Act shall authorise the taking of any land in the New Forest, or shall empower the Commissioners of Woods, to grant, or lease, or give any licence over any land in the New Forest: Provided that nothing herein-before contained shall prevent the Secretary of State from proceeding at any time to acquire lands in the New Forest for the purposes of this Act by Provisional Order, but no such Provisional Order shall be of any effect unless and until the provisions of section two of this Act with respect to the taking of lands by the Secretary of State shall have been complied with: Provided also, that in case the Secretary of State shall be desirous of acquiring the lands which were the subject of an inquiry held by the Honourable T. H. W. Pelham at Lyndhurst in the year one thousand eight hundred and ninety-two, such last-mentioned inquiry shall be deemed to be the local inquiry with regard to the acquisition of such lands rendered necessary by this Act.

25. *Application to Scotland.* In the application of this Act to Scotland, the following provisions shall have effect:—

(1.) The expression "council of a county or burgh" means the county council of a county or the town council of a burgh, as defined by the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50].

(2.) The expression "county fund" and "burgh fund or burgh rate," mean respectively the general purposes rate and the police rate:

(3.) For the purpose of acquiring land under this Act, a county council may borrow in like manner as they may borrow under section sixty-seven of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], and a town council in like manner as they may borrow under section fourteen of the Public Parks (Scotland) Act, 1878 [41 Vict. c. 8].

(4.) The expression "Local Government Board" means Secretary for Scotland:

(5.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845 [8 & 9 Vict. c. 19].

(6.) Section eleven of this Act shall not apply to Scotland, and in lieu thereof the following provision shall have effect, namely:—

Any person, body of persons, or authority holding land for ecclesiastical or public purposes, may lease such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

(a.) The minister of a parish who shall be in possession of a glebe shall be entitled to grant such lease as if the words "twenty-one years" had been substituted for the words "eleven years" in the third section of the Glebe Lands

(Scotland) Act, 1866 [29 & 30 Vict. c. 71], provided that in all other respects the provisions of the said third section be observed:

(b.) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section, and execute any instrument for that purpose:

(c.) Where the land belongs to a county council or a town council, that council may grant a lease under this section with the consent of the Secretary for Scotland:

(d.) A lease under this section shall cease to have effect if the land ceases to be used for military purposes:

(7.) The sheriff of the county shall give the consent and grant the certificate required under sub-section one of section thirteen of this Act, and sections forty-two and forty-three of the Roads and Bridges (Scotland) Act, 1878 [41 & 42 Vict. c. 51], shall be substituted for sub-section two of section thirteen of this Act:

(8.) The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

(9.) Any dispute as to the amount of compensation under section twenty-two of this Act shall be determined in the manner provided by the Agricultural Holdings (Scotland) Act, 1883.

26. *Application to Ireland.* In the application of this Act to Ireland the following provisions shall have effect:—

(1.) A reference to the Public Health Act, 1875, shall be construed to mean a reference to the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 22]:

(2.) The expression Commissioners of Works means the Commissioners of Public Works in Ireland:

(3.) An arbitration under this Act shall be carried out in accordance with the provisions of the Lands Clauses Acts:

(4.) Section 11 of this Act shall not apply to Ireland, and in lieu thereof the following provision shall have effect, namely:—

Any person, body of persons, or authority holding land for public purposes may lease such land to a Secretary of State for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

(a.) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section and execute any instrument for that purpose:

(b.) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

(5.) Section thirteen of this Act shall not apply to Ireland, but in lieu thereof the following provision shall have effect, namely:—

Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may be stopped up or diverted after presentment made in accordance, as nearly as may be, with section sixty of the Grand Jury (Ireland) Act, 1836 [46 & 47 Vict. c. 62].

27. *Limited application of Act to Isle of Man.* The powers given to the Commissioners of Woods by this Act shall extend to any allotment that may be made to and any land that may be purchased on behalf of Her Majesty, under the provisions of an Act of Tynwald, intituled the Isle of Man Disafforesting Act, 1860, but save as aforesaid, this Act shall not extend to the Isle of Man.

28. *Repeal.* The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

STATUTES.

55 & 56 VICT. Ch. 44—48.

Provided that land acquired in any manner under any enactment repealed by this Act shall be deemed to have been acquired in a similar manner under this Act, and any byelaws made under any enactment so repealed shall be deemed to have been made under this Act.

29. *Short title.*] This Act may be cited as the Military Lands Act, 1892.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
22 Vict. c. 12	The Defence Act, 1859	Section one.
26 & 27 Vict. c. 65	The Volunteer Act, 1863	Sections thirty-one to forty inclusive.
34 & 35 Vict. c. 86	The Regulation of the Forces Act, 1871	Section seventeen.
48 & 49 Vict. c. 36	The Artillery & Rifle Ranges Act, 1885	The whole Act, except section three.
49 & 50 Vict. c. 5	The Drill Grounds Act, 1886	The whole Act.
53 & 54 Vict. c. 25	The Barracks Act, 1890	Sections two and three.
54 & 55 Vict. c. 54	The Ranges Act, 1891	The whole Act, except section eleven so far as that section relates to the acquisition of land under the Defence Act, 1842, and the Acts amending the same.

CHAPTER 44.

[Railway and Canal Traffic Act, 1892.]

An Act to amend the Railway and Canal Traffic Act, 1888. [27th June 1892.]

Whereas by section twenty-four of the Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25], it is provided that after the commencement of the session of Parliament next after that in which the report of the Board of Trade with respect to a classification of traffic and schedule of rates and charges has been submitted to Parliament, the Board of Trade may embody in a Provisional Order such classification and schedule as in the opinion of the Board of Trade ought to be adopted, and procure a Bill to be introduced to confirm the Order, and it is expedient to amend this provision:

Be it therefore enacted, &c. :

1. *Time for application for Provisional Order.*] A Provisional Order in pursuance of sub-section seven of section twenty-four of the Railway and Canal Traffic Act, 1888, may be made, and a Bill to confirm the same may be introduced, at any time after hearing the parties as provided in subsection four of the said section.

2. *Short title.*] This Act may be cited as the Railway and Canal Traffic Act, 1892.

CHAPTER 45.

[Land Commissioners Ireland (Salaries) Act, 1892.]

An Act to provide for the increase of the Salaries of certain Land Commissioners in Ireland, and for other purposes connected with the Land Commission. [27th June 1892.]

CHAPTER 46.

[Ancient Monuments Protection (Ireland) Act, 1892.]

An Act to amend the Ancient Monuments Protection Act, 1882. [27th June 1892.]

CHAPTER 47.

[Contagious Diseases (Animals) Act, 1892.]

An Act to amend the Contagious Diseases (Animals) Acts, 1878 to 1890.

[27th June 1892.]

Be it enacted, &c. :

1. *Apportionment between Great Britain and Ireland of money voted for execution of 53 & 54 Vict. c. 14.*] Whereas the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, provides for the payment, out of moneys provided by Parliament, of sums not exceeding in the aggregate one hundred and sixty thousand pounds a year for the execution of the Act, and for the payment in any one year of not more than one hundred and forty thousand pounds for the execution of the Act in Great Britain, and of not more than twenty thousand pounds for the execution of the Act in Ireland, and it is expedient to provide for varying the apportionment, between Great Britain and Ireland, of the said sum of one hundred and sixty thousand pounds; be it therefore enacted as follows:—

The sums provided by Parliament for the execution of the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, may, notwithstanding anything in that Act, be apportioned between Great Britain and Ireland in such manner as the Treasury in communication with the Board of Agriculture and the Lord-Lieutenant of Ireland may direct.

2. *Increase of limit of rate under 41 & 42 Vict. c. 74, s. 83, subsec. 8.*] Subsection eight of section eighty-three of the Contagious Diseases (Animals) Act, 1878, shall have effect as if for the word "fourpence" were substituted the word "eight-pence."

3. *Application to foot-and-mouth disease of certain provisions relating to pleuro-pneumonia.*] Any money applicable under the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890 [53 & 54 Vict. c. 14], in cases of pleuro-pneumonia shall be applicable in cases of foot and mouth disease, and any powers exercisable under that Act with respect to pleuro-pneumonia may be exercised with respect to foot-and-mouth disease; and for this purpose the expression "cattle" in that Act shall include any animals.

Provided that the compensation to be paid for any animal slaughtered under the powers conferred by this section shall be the value of the animal immediately before it is slaughtered, or if affected with disease before it was so affected.

4. *Short title and construction.*] This Act may be cited as the Contagious Diseases (Animals) Act, 1892, and shall be read with the Contagious Diseases (Animals) Acts, 1878 to 1890.

CHAPTER 48.

[Bank Act, 1892.]

An Act for making further Provision respecting certain Payments to the Banks of England and Ireland, and for other purposes connected with those Banks. [27th June 1892.]

Be it enacted, &c. :

1. *Remuneration to Bank of England for management of unredeemed debt inscribed in books.*] There shall be paid to the Bank of England during the period in this Act mentioned as remuneration for the management of the National Debt inscribed in their books, an annual sum calculated at the rate of three hundred and twenty-five pounds for every million pounds of such debt up to five hundred million pounds, and at the rate of one hundred pounds for every million pounds of such debt above the said five hundred million pounds: Provided that during the said period the said annual sum shall not be less than one hundred and sixty thousand pounds.

2. *Remuneration to Bank of Ireland for management of unredeemed debt inscribed in books.*] There shall be paid to the Bank of Ireland, during the period in this Act mentioned, as remuneration for the management of the National Debt inscribed in their books, an annual sum calculated at the rate of four hundred and twenty-five pounds for every million pounds, if such debt does not exceed thirty

million pounds, and if it does exceed that sum, then at the rate of three hundred pounds for every million pounds of such debt: Provided that during the said period the said annual sum shall not be less than eight thousand pounds.

3. *Remuneration to Bank of England for management of Exchequer bonds and bills and Treasury bills.*] There shall be paid to the Bank of England, during the period in this Act mentioned, for the management in every financial year, of Exchequer bonds, Exchequer bills, and Treasury bills, an annual sum calculated at the rate, as respects Exchequer bonds and Exchequer bills, of one hundred pounds, and, as respects Treasury bills, of two hundred pounds, for every million pounds of bonds or bills outstanding on the last day of the previous financial year.

4. *General provision as to payments for management of unredeemed debt and of Exchequer bonds and bills and Treasury bills.*] (1.) The annual sums fixed by this Act for the management of the National Debt inscribed in the books of the Bank of England or Ireland and of Exchequer bonds, Exchequer bills, and Treasury bills shall be payable in respect of that management for every financial year up to and including the year ending the thirty-first day of March, one thousand nine hundred and twelve, and thereafter from year to year until Parliament otherwise directs.

(2.) The annual sums for the said management in any financial year shall be paid before the fifth day of July in the following financial year.

(3.) The National Debt Commissioners shall certify the amount of the unredeemed National Debt which on the last day of every financial year is inscribed in the books of the Bank of England and Bank of Ireland respectively, and the annual sums for the management of the Debt in the following financial year shall be calculated on the amount so certified.

(4.) Such certificate shall state the nominal capital amount of all the unredeemed National Debt so inscribed, and shall state the capital amount of every terminable annuity at fifteen years purchase thereof if originally created for a term exceeding fifty years, and at ten years purchase thereof if originally created for a term of fifty years or under.

(5.) The said annual sums shall continue to be payable out of the permanent annual charge for the National Debt.

(6.) For the purpose of calculating the said annual sums, the National Debt shall include the Local Loans stock and Guaranteed Land stock, but such proportion of those sums as is payable in respect of the management of the two last-mentioned stocks shall be paid to the Bank in the case of the Local Loans stock out of the Local Loans fund, and in the case of Guaranteed Land stock out of money provided by Parliament for the service of the Irish Land Commission.

5. *Rate of interest on Government debt to the Banks of England and Ireland.*] Whereas the Bank of England and the Bank of Ireland respectively have consented to the annuity or interest on the debt to them from the public being reduced to the rate of two and three-quarters per cent. per annum until the fifth day of April one thousand nine hundred and three; Be it therefore enacted as follows:

(1.) The annuity or interest payable as part of the permanent annual charge for the National Debt—

(a) in respect of the debt due from the public to the Bank of England (which at the passing of this Act amounts to eleven million fifteen thousand and one hundred pounds); and

(b) in respect of the debt due from the public to the Bank of Ireland (which at the passing of this Act amounts to two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eightpence),

shall be at the rate of two pounds fifteen shillings per cent. per annum, until the fifth day of April, one thousand nine hundred and three, and after that day, at the rate of two pounds ten shillings per cent. per annum: Provided that if the Bank concerned by notice in writing to the Treasury six months before the said day decline to accept such

lower rate of interest, the debt to that Bank may be paid off without further notice, and until payment, the said annuity or interest shall continue to be payable at the rate of two pounds fifteen shillings per cent. per annum.

(2.) The said annuity or interest shall be paid by equal quarterly payments on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October in each year.

**6. Mode of dealing with dead Bank of England notes.]** (1.) Where Bank of England notes issued more than forty years have not been presented for payment, the Bank of England may write off the amount, or any proportion of the amount of the said notes from the total amount of notes issued from the issue department, and the Bank Charter Act, 1844, shall apply as if the amount of notes so written off had not been issued; Provided that—

(a) a return of the amount of notes so written off

shall be forthwith sent to the Treasury and laid by them before Parliament; and

(b) this section shall not affect the liability of the Bank to pay any note included in the amount so written off, and if it is presented for payment the amount shall either be paid out of the bank notes, gold coin, or bullion, in the banking department, or, if it is exchanged for gold coin or bullion in the issue department, or for a note issued from the issue department, a corresponding amount of gold coin or bullion shall be transferred from the banking department and appropriated to the issue department.

(2.) This section shall be construed as one with the Bank Charter Act, 1844 [7 & 8 Vict. c. 32].

**7. Internal regulations and stock of Bank of England.]** (1.) It shall be lawful for Her Majesty to grant, and for the Bank of England to accept, a supplemental charter regulating the internal affairs of the corporation of the Bank of

England, and if such charter is granted the Acts specified in Part III. of the schedule to this Act shall be repealed as from the date of such supplemental charter to the extent in the third column of that schedule mentioned.

(2.) Notwithstanding the repeal of any enactment by this Act the capital stock of the Bank of England as existing at the passing of this Act shall be subject to the enactments so far as un-repealed which relate to stock of the Bank of England, and the holders of the stock shall be members of the corporation of the Bank of England.

**8. Short title, commencement, and repeal.]** (1.) This Act may be cited as the Bank Act, 1892.

(2.) This Act shall take effect as from the beginning of the current financial year.

(3.) The Acts set out in Parts I. and II. of the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

## SCHEDULE.

## ENACTMENTS REPEALED.

## PART I.

*Enactments relating to the Debt from the Public to and the Stock of the Bank of England.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 & 6 Will & Mar. c. 20.	The Bank of England Act, 1694.	Section twenty-one; section thirty-two; and section thirty-four.
8 & 9 Will. 3. c. 20.	The Bank of England Act, 1696.	Section twenty-six, from "or for whom such subscriptions shall be made" down to "twentieth day of June be and," and from "at all times" down to "June"; section thirty-two, down to "by virtue of the said recited Act and"; and the words "from and after the compleating the said subscriptions"; section thirty-three down to "ninety-seven"; section thirty-seven; section forty-seven; section forty-eight.
6 Anne c. 59. (c. 32. in the old editions)	An Act for regulating the qualifications of the elections of the governor, deputy governor, directors, and voters of the Governor and Company of the Bank of England.	The whole Act.
7 Anne c. 30. (c. 7. in the old editions)	The Bank of England Act, 1708.	Preamble; sections one to five, section sixty-seven down to "persons, and that" and from "and the said allowances" down to "governor and company," and from "allowances and" down to "governor and company as aforesaid"; section sixty-eight.
3 Geo. 1. c. 8. 11 Geo. 1. c. 9.	The Bank of England Act, 1716.	Section forty-five.
	An Act the title of which begins with the words "An Act for continuing the several annuities," and ends with the words "redeemable by Parliament."	Preamble and sections one and five.
1 Geo. 2. Stat. 2. c. 8	An Act for granting an aid to His Majesty by sale of annuities to the Bank of England at four pounds per centum redeemable by Parliament, and charged upon the duties on coals and culm.	Section five.
2 Geo. 2. c. 3.	An Act for raising the sum of one million two hundred and fifty thousand pounds by sale of annuities to the Bank of England after the rate of four pounds per centum per annum, redeemable by Parliament, and for applying the produce of the sinking fund.	Section five.
15 Geo. 2. c. 13.	An Act for establishing an agreement with the Governor and Company of the Bank of England for advancing the sum of one million six hundred thousand pounds towards the supply for the service of the year one thousand seven hundred and forty-two.	Sections six and seven.
19 Geo. 2. c. 6.	An Act the title of which begins with the words "An Act for establishing an agreement," and ends with the words "one thousand seven hundred and forty-six."	Section three; section five; section eight; sections thirteen and fourteen.
23 Geo. 2. c. 1.	An Act for reducing the several annuities which now carry an interest after the rate of four pounds per centum per annum to the several rates of interest therein mentioned.	The whole Act, except section eight.
23 Geo. 2. c. 22.	An Act for giving further time to the proprietors of annuities after the rate of four pounds per centum per annum to subscribe the same in the manner and upon the terms therein mentioned, and for redeeming such of the said annuities as shall not be so subscribed.	The whole Act, except sections eight and fourteen.
56 Geo. 3. c. 96.	An Act for establishing an agreement with the Governor and Company of the Bank of England, for advancing the sum of three millions for the service of the year one thousand eight hundred and sixteen.	Section three, down to "service as aforesaid," and from "making an increase," to the end of the section; and section five.
24 & 25 Vict. c. 3.	An Act to make further provision respecting certain payments to and from the Bank of England, and to increase the facilities for the transfer of stocks and annuities, and for other purposes.	The whole Act, except sections four, five, nine, and ten.
29 & 30 Vict. c. 25. 33 & 34 Vict. c. 71. 40 & 41 Vict. c. 2.	The Exchequer Bills and Bonds Act, 1866. The National Debt, Act, 1870. The Treasury Bills Act, 1877.	Section twenty-nine. Sections forty and sixty-four. Section eleven and section twelve from "The allowance" to the end of the section.
50 & 51 Vict. c. 16. 51 & 52 Vict. c. 2. 52 & 53 Vict. c. 4.	National Debt and Local Loans Act, 1887. The National Debt (Conversion) Act, 1888. The National Debt Redemption Act, 1889.	Section eighteen. Section thirty-one. Section seventeen.



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[Section 8.]

PART II.  
*Enactments relating to the Debt from the Public to the Bank of Ireland.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
28 & 29 Vict. c. 16	An Act to make further provision for the management of the unredeemed public debt in Ireland and for the reduction of the interest payable on certain sums advanced by the Bank of Ireland for the public service.	The whole Act.

[Section 7.]

PART III.  
*Enactments relating to internal affairs of Bank of England.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 & 9 Will. 3. c. 20.	The Bank of England Act, 1696.	Section thirty-four from "within seven days" to the end of the section; section fifty-two.
15 Geo. 2. c. 13.	An Act for establishing an agreement with the Governor and Company of the Bank of England for advancing the sum of one million six hundred thousand pounds towards the supply for the service of the year one thousand seven hundred and forty-two.	Section thirteen.
24 Geo. 2. c. 4.	An Act for enabling the Bank of England to hold general courts and courts of directors in the manner therein directed.	The whole Act, so far as unrepealed.
7 Geo. 3. c. 48.	An Act for regulating the proceedings of certain public companies and corporations carrying on trade or dealings with joint stocks in respect to the declaring of dividends, and for further regulating the qualification of members for voting in their respective general courts.	The whole Act, so far as it applies to the Bank of England.
35 & 36 Vict. c. 34.	The Bank of England (Election of Directors) Act, 1872.	The whole Act.

CHAPTER 49.

[*Mauritius Hurricane Loan Act, 1892.*]

An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Government of the Colony of Mauritius.

[27th June 1892.]

under the authority thereof to exercise the powers conferred thereby or obstructing any such person in the exercise of those powers, shall be liable for every such offence to a penalty not exceeding five pounds. Any package containing salmon trout or char, and not marked in accordance with this section, shall be forfeited, together with the contents thereof, on the conviction of the offender.

4. *Legal Proceedings.*] Proceedings against a person contravening any of the provisions of the Salmon and Freshwater Fisheries Acts, 1861 to 1892, may be instituted before a court of summary jurisdiction in any place in which the salmon trout or char in respect whereof the proceedings are taken may be found, and any salmon trout or char which may be forfeited upon the conviction of an offender shall be disposed of as the court shall direct.

5. *Continuation of existing provisions.*] Nothing in this Act shall be deemed to take away or repeal any provision of any existing Act of Parliament, but the provisions of this Act shall be in addition to all such provisions.

6. *Definitions.*] In this Act, unless there is something inconsistent in the context, the expressions herein-after mentioned shall have the meanings hereby respectively assigned to them, that is to say :

- (a.) "Package" shall mean and include any box, basket, barrel, case, receptacle, sack, bag, wrapper, or other thing in which fish is placed for the purpose of carriage, consignment, or exportation;
- (b.) "Market authority" shall include any corporation or sanitary authority, or any body of trustees or undertakers having power to maintain or regulate any market;
- (c.) "Fishmongers Company" shall mean the wardens and commonalty of the Mistery of Fishmongers of the city of London;
- (d.) "Salmon trout and char" shall include part of any such fish respectively.

CHAPTER 51.

[*Education and Local Taxation Account (Scotland) Act, 1892.*]

An Act to make provision in regard to the Distribution and Application of Sums from time to time paid to the Local Taxation (Scotland) Account and in regard to the Fee Grant in Scotland.

[27th June 1892.]

CHAPTER 52.  
[*British Columbia (Loan) Act, 1892.*]

An Act to authorize an Advance to the Government of the Province of British Columbia.

[27th June 1892.]

CHAPTER 53.

[*Public Libraries Act, 1892.*]

An Act to consolidate and amend the Law relating to Public Libraries. [27th June 1892.]

Be it enacted, &c. :

*Adoption of Act and Constitution of Library Authority.*

1. *Extent and application of Act.*] (1.) This Act shall extend to every library district for which it is adopted.

(2.) For the purposes of this Act and subject to the provisions thereof every urban district and every parish in England and Wales which is not within an urban district shall be a library district.

(3.) This Act shall have effect as regards any parish which is partly within and partly without an urban district as if the part which is without the district were a separate parish, and the overseers for the parish shall be deemed for the purposes of this Act to be the overseers for that part.

2. *Limitations on expenditure for purposes of Act.*] (1.) A rate or addition to a rate shall not be levied for the purposes of this Act for any one financial year in any library district to an amount exceeding one penny in the pound.

(2.) This Act may be adopted for any library district subject to a condition that the maximum rate or addition to a rate to be levied for the purposes of this Act in the district or in any defined portion of the district in any one financial year shall not exceed one halfpenny or shall not exceed three farthings in the pound, but such limitation if fixed at one halfpenny may be subsequently raised to three farthings, or altogether removed, or where it is for the time being fixed at three farthings may be removed.

3. *Proceedings for adoption of Act.*] With respect to—

- (a.) the adoption of this Act for any library district; and
- (b.) the fixing, raising, and removing of any limitation on the maximum rate to be levied for the purposes of this Act; and
- (c.) the ascertaining of the opinion of the voters with respect to any matter for which their consent is required under this Act;

the following provisions shall have effect; that is to say,

(1.) Any ten or more voters in the library district may address a requisition in writing to the authority hereafter in this section mentioned requiring that authority to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition: Provided that where the library district is a municipal borough the requisition may be made by the council of the borough :

(2.) On receipt of the requisition the said authority shall proceed to ascertain by means of voting papers the opinion of the voters with respect to the said question or questions; but the said authority shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition, or with respect to any limitation of the rate other than the limitations specified in this Act:

(3.) The procedure for ascertaining the opinion of the voters shall be in accordance with the regulations contained in the First Schedule to this Act; and those regulations shall have effect as if they were enacted in the body of this Act:

(4.) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid voting papers, and where the majority of those answers are in favour of the adoption of this Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted:

(5.) Where the opinion of the voters in any library district is ascertained upon the question as to the adoption of this Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the voting papers were collected:

(6.) The authority to ascertain the opinion of the voters for the purposes of this section shall be in a municipal borough the mayor, and in any other urban district the chairman of the urban authority, and in a parish the overseers.

**4. Act when adopted to be executed by library authority.** This Act when adopted for any library district shall be carried into execution, if the library district is an urban district, by the urban authority, and, if it is a parish, by the commissioners appointed under this Act; and any such authority or commissioners executing this Act are herein-after referred to as a "library authority."

**5. Constitution of commissioners for executing Act in parish.** (1.) Where this Act is adopted for any parish the vestry shall forthwith appoint not less than three nor more than nine voters in the parish to be commissioners for carrying this Act into execution.

(2.) The commissioners shall be a body corporate by the name of "The Commissioners for Public Libraries and Museums for the parish of \_\_\_\_\_ in the county of \_\_\_\_\_, and shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes of this Act, without any licence in mortmain.

**6. Rotation of commissioners.** (1.) The commissioners shall, as soon as conveniently may be after their appointment, divide themselves by agreement, or in default of agreement by ballot, into three classes, one third or as nearly as may be one third of them being in each class.

(2.) The offices of the first class shall be vacated at the expiration of one year, the offices of the second class at the expiration of two years, and the offices of the third class at the expiration of three years from the time of their appointment.

(3.) The offices of vacating commissioners shall be filled by an equal number of new commissioners to be appointed by the vestry from among the voters in the parish; and every newly elected commissioner shall hold his office for the term of three years from the date when the office became vacant, and no longer, unless re-elected; but a person, on ceasing to be a commissioner, shall, unless disqualified, be re-eligible.

(4.) Any casual vacancy among the commissioners, whether arising by death, resignation, incapacity or otherwise, shall as soon as may be after the occurrence thereof be filled up by the vestry; but the term of office of a commissioner appointed to fill up a casual vacancy shall expire at the date at which the term of office of the commissioner in whose place he is appointed would have expired.

**7. Meetings of commissioners.** The commissioners shall meet at least once in every month, and at such other times as they think fit, at some convenient place; and any one commissioner may summon a special meeting by giving three clear days notice in writing to each commissioner specifying therein the purpose for which the meeting is called. Business shall not be transacted at any meeting of the commissioners unless at least two of them are present.

**8. Proceedings of commissioners to be recorded.** All orders and proceedings of the commissioners shall be entered in books to be kept for that purpose, and shall be signed by the commissioners or any two of them; and all such orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of all such orders and proceedings upon any judicial proceeding.

**9. Power to vestries of neighbouring parishes to combine.** (1.) Where this Act is adopted for any two or more neighbouring parishes, the vestries of those parishes may by agreement combine for any period in carrying this Act into execution, and the expenses of carrying this Act into execution shall be defrayed by the parishes in such proportions as may be agreed on by the vestries.

(2.) The vestry of each of the said parishes shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so appointed for the several parishes shall form one body of commissioners, and shall act accordingly in the execution of this Act.

**10. Power to annex parish to adjoining district.** Where the voters in a parish adjoining or near any library district for which either this Act has been adopted, or the adoption thereof is contemplated, consent to such parish being annexed to the said district, such parish, subject to the consent of the library authority of the said district being also given, shall be annexed to and form part of that district for the purposes of this Act; the vestry of such parish shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so from time to time appointed shall during their respective terms of office be deemed for all the purposes of this Act to be members of the library authority of the said district.

#### Execution of Act.

**11. Provision of libraries, museums, and schools of science and art.** (1.) The library authority of any library district for which this Act has been adopted may, subject to the provisions of this Act, provide all or any of the following institutions, namely, public libraries, public museums, schools for science, art galleries, and schools for art, and for that purpose may purchase and hire land, and erect, take down, rebuild, alter, repair, and extend buildings, and fit up, furnish, and supply the same with all requisite furniture, fittings, and conveniences.

(2.) Where any of the institutions mentioned in this section has been established either before or after the passing of this Act by any library authority under this Act or the Acts hereby repealed, that authority may establish in connexion therewith any other of the said institutions without further proceedings being taken with respect to the adoption of this Act.

(3.) No charge shall be made for admission to a library or museum provided under this Act for any library district, or, in the case of a lending library, for the use thereof by the inhabitants of the district; but the library authority, if they think fit, may grant the use of a lending library to persons not being inhabitants of the district, either gratuitously or for payment.

**12. Provision as to acquisition and disposal of land.** (1.) For the purpose of the purchase of land under this Act by a library authority the Lands Clauses Acts, with the exception of the provisions relating to the purchase of land otherwise than by agreement, shall be incorporated with this Act.

(2.) The library authority of any library district which is an urban district may with the sanction of the Local Government Board appropriate for the purposes of this Act any land which is vested in that authority.

(3.) A library authority may with the sanction of

the Local Government Board sell any land vested in them for the purposes of this Act, or exchange any such land for other land better adapted for those purposes, and the money arising from the sale or received by way of equality of exchange, shall be applied in or towards the purchase of other land better adapted for the said purposes, or may be applied for any purpose for which capital money may be applied, and which is approved by the Local Government Board.

(4.) A library authority may let a house or building, or any part thereof, or any land vested in them for the purposes of the Act, which is not at the time of such letting required for those purposes and shall apply the rents and profits thereof for the purposes of this Act.

**13. Power to grant charity land for purposes of this Act.** (1.) Any person holding land for ecclesiastical, parochial, or charitable purposes may, subject as herein-after provided, grant, or convey, by way of gift, sale, or exchange, for any of the purposes of this Act any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2.) Provided that—

(a) ecclesiastical property shall not be granted or conveyed for those purposes without the consent of the Ecclesiastical Commissioners; and

(b) parochial property shall not be so granted or conveyed save by the board of guardians of the poor law union comprising the parish to which the property belongs, or without the consent of the Local Government Board; and

(c) other charitable property shall not be so granted or conveyed without the consent of the Charity Commissioners; and

(d) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold; and

(e) land situated in the administrative county of London, or in any urban district containing according to the last published census for the time being over twenty thousand inhabitants, which is held on trusts to be preserved as an open space, or on trusts which prohibit building thereon, shall not be granted or conveyed for the purposes of this Act.

(3.) Any land granted or conveyed to any library authority under this section may be held by that authority without any licence in mortmain.

**14. Vesting of property in library authority.** All land appropriated, purchased, or rented, and all other real and personal property presented to or purchased or acquired for any library, museum, art gallery, or school under this Act shall be vested in the library authority.

**15. Management of libraries, &c., by library authority or committee.** (1.) The general management, regulation, and control of every library, museum, art gallery, and school provided under this Act shall be vested in and exercised by the library authority, and that authority may provide therein books, newspapers, maps, and specimens of art and science, and cause the same to be bound and repaired when necessary.

(2.) The library authority may also appoint salaried officers and servants, and dismiss them, and make regulations for the safety and use of every library, museum, gallery, and school under their control, and for the admission of the public thereto.

(3.) Provided that a library authority being an urban authority may if they think fit appoint a committee and delegate to it all or any of their powers and duties under this section, and the said committee shall to the extent of such delegation be deemed to be the library authority. Persons appointed to be members of the committee need not be members of the urban authority.

**16. Power to library authorities to make agreements for use of library.** (1.) The commissioners separately appointed for any two or more parishes for which this Act has been adopted may, with the consent of the voters in each of those parishes, agree to share in such proportions and for such period as may be determined by the agreement the

cost of the purchase, erection, repair, and maintenance of any library building situate in one of those parishes, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.

(2.) The library authority of any library district may, with the consent of the voters in the district and of the Charity Commissioners, make the like agreement with the governing body of any library established or maintained out of funds subject to the jurisdiction of the Charity Commissioners, and situate in or near the library district, and, in case of inability, objection, or failure on the part of the governing body to enter into such agreement, the Charity Commissioners may, if they think fit, become party to the agreement on behalf of the governing body.

(3.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art in like manner as to a library.

**17. Power to library authority to accept parliamentary grant.]** Where a library authority accepts a grant out of money provided by Parliament from the Department of Science and Art towards the purchase of the site, or the erection, enlargement, or repair, of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school, or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the Department of Science and Art, and may execute any instruments required by that Department for carrying into effect those conditions, and upon payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same.

*Financial Provisions.*

**18. Expenses of library authority, how defrayed.]** (1.) The expenses incurred in a library district in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters in the district, may be defrayed:—

(a) where the library district is a municipal borough, out of the borough fund or borough rate, or a separate rate to be made, assessed, and levied in like manner as the borough rate; and

(b) where the library district is an urban district other than a borough, out of the rate applicable to the general expenses incurred in the execution of the Public Health Acts, or a separate rate to be made, assessed, and levied in like manner as the rate so applicable; and

(c) where the library district is a parish, out of a rate to be raised with and as part of the poor rate, subject, however, to this qualification, that every person assessed to the poor rate in the said parish in respect of lands used as arable, meadow, or pasture ground only, or as woodlands or market gardens, or nursery grounds, shall be entitled to an allowance of two thirds of the sum assessed upon him in respect of those lands for the purposes of this Act.

(2.) Where the library district is a parish, and is not combined with any other parish for the execution of this Act, then—

(i.) such amount only shall be raised out of a rate for the purposes of this Act as is from time to time sanctioned by the vestry of the parish; and

(ii.) the vestry to be called for the purpose of sanctioning the amount shall be convened in the manner usual in the parish; and

(iii.) the amount for the time being proposed to be raised for the purposes of this Act shall be expressed in the notice convening the vestry, and (if sanctioned) shall be paid according to the order of the vestry to such person as may be appointed by the library authority to receive it; and

(iv.) in the notices requiring the payment of the rate there shall be stated the proportion which the amount to be thereby raised for the purposes of this Act bears to the total amount of the rate.

(3.) Where a parish or a part of a parish is annexed in pursuance of this Act to any library

district, so much of the said expenses as is chargeable to such parish or part shall be defrayed in like manner as if such parish or part were a separate library district, but the sanction of the vestry shall not be required for raising the sums from time to time due from the parish for meeting those expenses.

**19. Borrowing by library authority.]** (1.) Every library authority, with the sanction of the Local Government Board, and in the case of a library authority being commissioners appointed for a parish, with the sanction also of the vestry of such parish, may borrow money for the purposes of this Act on the security of any fund or rate applicable for those purposes.

(2.) Sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875 [38 & 39 Vict. c. 55], relating to borrowing by a local authority shall apply, with the necessary modifications, to all money borrowed by any library authority for the purposes of this Act, as if the library authority were an urban authority, and as references to this Act were substituted in those sections and in the forms therein mentioned for references to the Public Health Act, 1875.

(3.) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a library authority for the purposes of this Act.

**20. Accounts and audit.]** (1.) Separate accounts shall be kept of the receipts and expenditure under this Act of every library authority and their officers, and those accounts shall be audited in like manner and with the like incidents and consequences, in the case of a library authority being an urban authority, and of their officers, as the accounts of the receipts and expenditure of that authority and their officers under the Public Health Acts.

(2.) The accounts of the receipts and expenditure of a library authority being commissioners appointed under this Act, and of their officers, shall be audited yearly by a district auditor in like manner and with the like incidents and consequences as in the case of an audit under the Acts relating to the relief of the poor, and those commissioners shall be a local authority within the meaning of the District Auditors Act, 1879 [42 & 43 Vict. c. 6].

(3.) The accounts of the receipts and expenditure under this Act of any library authority other than the council of a municipal borough shall be open at all reasonable times to the inspection, free of charge, of any ratepayer in the library district, and any such ratepayer may without charge make copies of and extracts from those accounts; and if any library authority or any person being a member thereof or employed by them and having the custody of the accounts fails to allow the accounts to be inspected, or copies or extracts to be made, as required by this section, such authority or person shall for each offence be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding five pounds.

*Provisions affecting London only.*

**21. Application of Act to city of London.]** (1.) The city of London shall be a library district, and on this Act being adopted for the city, the common council shall be the library authority.

(2.) The opinion of the voters in the city of London with respect to any question under this Act shall be ascertained by the mayor on the requisition of the common council.

(3.) The expenses incurred in the city of London in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters, shall be defrayed out of the consolidated rate levied by the commissioners of sewers, or a separate rate to be made, assessed, and levied by those commissioners in like manner as the consolidated rate.

(4.) So much of this Act as limits the rate or addition to a rate to be levied in any library district for any one financial year to one penny in the pound shall not extend to the city of London.

**22. Power for district in London to adopt Act.]** Every district mentioned in Schedule B. to the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], as amended by any subsequent Acts, shall

be a library district, and the provisions of this Act shall apply accordingly with the following modifications:—

(1.) The opinion of the voters in any such district with respect to any question under this Act shall be ascertained by the district board on the requisition in writing of any ten or more of such voters:

(2.) The library authority for such district shall be commissioners appointed by the district board, and the provisions of this Act relating to commissioners appointed for a parish shall apply with the substitution of "district" for "parish" and of "district board" for "vestry":

(3.) The expenses incurred in any such district in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters, shall, to such amount as is sanctioned by the district board, be defrayed by that board in like manner as if they had been incurred for the general purposes of the Metropolis Management Act, 1855, and the sums from time to time required for defraying those expenses, to the extent so sanctioned, shall be paid by the district board to any person appointed by the commissioners to receive the same; but nothing in this enactment shall enable a district board to levy for the purposes of this Act any greater sum in any financial year than the amount produced by a rate of one penny in the pound, or any less rate specially fixed for the purpose of this Act in the district:

(4.) The enactments authorising two or more neighbouring parishes to combine in carrying this Act into execution shall have effect as if any such district were included in the term "parish" and the district board of such district in the term "vestry":

(5.) Where a parish in any such district has adopted the Acts hereby repealed or any of them, or hereafter adopts this Act, it shall be treated in all respects for the purposes of this Act as if it were outside the district, and, in particular,—

(a) a person shall not, by reason of being a voter in the parish, be accounted for the purposes of this section as a voter in the district; and

(b) a representative of the parish on the district board shall not take part in any proceeding of the board under this section; and

(c) the parish shall not be called on to contribute to the payment of any expenses incurred in pursuance of this section; and

(d) any question of accounts arising between the parish and the other parishes in the district, or between the parish and the district, in consequence of this section, shall be decided finally by the Local Government Board:

(6.) After the adoption of this Act for any such district, proceedings shall not, except with the sanction of the Local Government Board, be taken for the separate adoption thereof for any parish in the district.

**23. Power to vestry or district board in London to appropriate land for library, &c.]** The vestry or district board constituted under the Metropolis Management Act, 1855, for any parish mentioned in Schedule A. or district mentioned in Schedule B. to that Act, as amended by any subsequent Acts, may, if this Act is in force in such parish or district, appropriate with the sanction of the Local Government Board, for the purposes of this Act any land which is vested in such vestry or board.

*Supplemental Provisions.*

**24. Adjustment of interests on termination of agreement.]** Any agreement under this Act between two or more vestries or library authorities, or between a library authority and any other body, may provide that on the termination of the agreement an adjustment shall be made of the interests of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment

shall on the application of any of the parties be made by an arbitrator appointed by the Local Government Board.

25. *Saving for Oxford.*] Nothing in this Act shall interfere with the operation of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter one hundred and eight, so far as it relates to the collection of a rate for a public library in Oxford.

26. *Constitution and proceedings of vestry for purposes of Act.*] For the purposes of this Act the vestry of a parish shall be any body of persons acting by virtue of any Act of Parliament as or instead of a vestry, and, where there is no such body, shall be the inhabitants of the parish in vestry assembled, but in the latter case the persons registered as county electors in respect of the occupation of property situated in the parish, and no other persons, shall be members of the vestry.

27. *Definitions.*] In this Act, unless the context otherwise requires,—

the expression "urban district" means a municipal borough, Improvement Act district, or local government district; and "urban authority" means, as regards each such district, the council, improvement commissioners, or local board:

the expression "financial year" means the period of twelve months for which the accounts of a library authority are made up:

the expression "voter" means a person who is registered as a county elector or enrolled as a burgess in respect of the occupation of property situated in the district or parish in connexion with which the voter is mentioned:

the expression "oversers" includes any persons authorised and required to make and levy poor rates in a parish, and acting instead of overseers:

the expression "common council" means in relation to the city of London the mayor, commonalty, and citizens, acting by the mayor, aldermen, and commons in common council assembled.

28. *Repeal.*] (1.) The Acts mentioned in the Second Schedule to this Act shall be repealed as from the commencement of this Act, save so far as any of them extend beyond England and Wales; and where those Acts have been adopted for any library district, that adoption shall be deemed to have been an adoption of this Act, and this Act shall apply accordingly.

(2.) For the purpose of this section the said Acts shall be deemed to have been adopted for any district in which they were in force immediately before the commencement of this Act.

29. *Saving as to local Acts.*] Nothing in this Act shall be deemed to limit, or to reduce or alter the limit of any rate which any library authority is authorised to levy under or by virtue of any local Act.

30. *Commencement.*] This Act shall come into operation on the first day of October next after the passing thereof.

31. *Short title.*] This Act may be cited as the Public Libraries Act, 1892.

#### SCHEDULES. FIRST SCHEDULE.

[Section 3.] REGULATIONS for ascertaining the opinion of the voters in a library district.

In these regulations the expression "presiding officer" means, in relation to any library district, the authority required under this Act to ascertain the opinion of the voters in that district on any question, or person appointed by that authority, and that authority is referred to in these regulations as the "district authority."

#### PART I.—PROCEDURE BY VOTING PAPERS.

1. The district authority shall, before the day appointed for the issuing of the voting papers, provide the presiding officer with a copy of the burgess roll or county register, as the case may be, or of the part or parts thereof containing the names of all the voters in the library district.

2. On the day appointed for issuing the voting papers the presiding officer shall send by post or cause to be delivered to every voter at his address appearing in the roll or register a voting paper in the form contained in Part II. of this schedule or to the like effect.

3. Every voting paper shall bear the number of the voter on the roll or register, as the case may be, and shall contain directions to the voter, in accordance with these regulations, as to the day on which and the hours within which the voting paper is to be collected or sent, and as to the place at which, if sent, it will be received.

4. The district authority shall, before the issue of the voting papers, appoint such a number of competent persons as may be necessary to collect and receive the voting papers and to assist in the scrutiny thereof on such terms and for such remuneration as may be reasonable, and shall also appoint a convenient place within the district at which the voting papers are to be received, but the district authority shall not be required to collect any voting papers which have been sent by them to addresses beyond the limits of the district.

5. Voting papers shall be collected between 8 a.m. and 8 p.m. of the third day after that on which they were issued. Such day is herein-after in these regulations referred to as the polling day, and such last mentioned hour is herein-after referred to as the "conclusion of the poll."

6. A voting paper shall not after collection be delivered up to any person except the presiding officer or a person appointed to receive voting papers.

7. The persons appointed to collect the voting papers shall, either before or as soon as may be after the conclusion of the poll, deliver the voting papers collected by them to the presiding officer or to a person appointed to receive the same.

8. A voting paper may be sent by prepaid post or by hand to the presiding officer at the place appointed by the district authority for the receipt thereof, so that it be received by the presiding

officer at such appointed place before the conclusion of the poll. Voting papers, except those collected by persons appointed by the district authority, shall not be received at the appointed place after the conclusion of the poll.

9. Every person appointed to collect voting papers shall be appointed in writing by the district authority, and shall carry such writing with him while employed in the collection, and shall show it to any voter who may require him to do so. If any person so appointed fails to comply with this regulation, or if any unauthorised person fraudulently receives or induces any voter to part with a voting paper, such person shall be guilty of a misdemeanour, and liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

10. A voting paper which contains the answer "yes" or "no" to any question put to the voters and is duly signed shall be deemed to be a valid voting paper with respect to that question.

A voting paper shall be deemed to be duly signed if signed by the voter with his full name or ordinary signature.

11. Where any voter is unable to write he may cause his voting paper to be filled up by another person. In such case he shall attach his mark to the voting paper, and such mark shall be attested by such other person, who shall sign his name and append his address thereto. A voting paper to which such mark is attached, and which is duly attested, shall be deemed to be duly signed.

12. Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, knowing that the same does not bear the true answer or signature of the voter to whom it was sent or intended to be sent, shall be guilty of perjury, and liable to the penalties of that offence as provided by the Ballot Act, 1872 [35 & 36 Vict. c. 33].

13. The presiding officer shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall compare the same with his copy of the roll or register, and ascertain how far the voting papers have been duly signed by the voters.

14. A question put to the voters shall be deemed to be answered and determined in the affirmative or negative, according as the majority of valid voting papers returned contain the answer "yes" or "no" to that question.

15. Immediately on the conclusion of the scrutiny the presiding officer shall report to the district authority the number of voters who have voted "yes" and "no" respectively to each question put to them, and the number of voting papers which are invalid.

16. The presiding officer shall seal up in separate packets the valid and the invalid voting papers respectively, and shall transmit them, together with his report, to the district authority.

17. Upon receiving the report of the presiding officer the district authority shall cause the result of the poll to be made public in such manner as they think fit.

#### PART II.—FORM OF VOTING PAPER. Public Libraries Act, 1892.

BOROUGH (Parish or other Library District) of  
No. (Here insert number of voter in burgess roll or county register, as the case may be.)

Question 1	-	Are you in favour of the adoption of the Public Libraries Act, 1892, for the borough (or parish, &c.) of
Question 2	-	Are you in favour of the rate being limited to one halfpenny in the pound? (Or to three farthings, or of the existing limitation of the rate under the Public Libraries Act, 1892, being removed, or of the existing limitation to one halfpenny being raised to three farthings, as the case may require.)
Question 3	-	Are you in favour of an agreement being made with (here designate the body or bodies, according to section 10 or section 16 of this Act) for the purpose of (briefly state objects of proposed agreement).

Answer 1. (To be filled in "Yes" or "No.") [To be omitted if Libraries Act already adopted.]

Answer 2. (To be filled in "Yes" or "No.") [To be omitted if no question stated in the requisition as to limitation of rate.]

Answer 3. (To be filled in "Yes" or "No.") [To be omitted if no such question raised.]

Signature of Voter.

1. This voting paper will be collected by an authorized collector between the hours of 8 a.m. and 8 p.m. on day, the Note.  
18 (insert polling day), or may be sent by prepaid post or by hand, addressed to (state name or designation of presiding officer, and place appointed by the district authority). If it is sent it must be received at that address before 8 p.m. on the above-mentioned day.

2. You may require the collector to show his authority in writing. No authority is valid unless it is (signed by A.B., or sealed, or as the district authority may direct).

SECOND SCHEDULE.  
ACTS REPEALED.

Section 28.]

Session and Chapter.	Short Title.
18 & 19 Vict. c. 70	The Public Libraries Act, 1855.
29 & 30 Vict. c. 114	The Public Libraries Amendment Act (England and Scotland), 1866.
34 & 35 Vict. c. 71	The Public Libraries Act, 1855, Amendment Act, 1871.
47 & 48 Vict. c. 37	The Public Libraries Act, 1884.
50 & 51 Vict. c. 22	The Public Libraries Acts Amendment Act, 1887.
52 & 53 Vict. c. 9	The Public Libraries Acts Amendment Act, 1889.
53 & 54 Vict. c. 68	The Public Libraries Acts Amendment Act, 1890.

## CHAPTER 54.

[Allotments (Scotland) Act, 1892.]

An Act to facilitate the provision of Allotments for the Labouring Classes in Scotland.

[28th June 1892.]

## CHAPTER 55.

[Burgh Police (Scotland) Act, 1892.]

An Act for regulating the Police and Sanitary Administration of towns and populous places, and for facilitating the union of Police and Municipal Administration in burghs in Scotland.

[28th June 1892.]

## CHAPTER 56.

[Coroners Act, 1892.]

An Act to amend the Law in relation to the Appointment of Coroners and Deputy Coroners in Counties and Boroughs.

[28th June 1892.]

Be it enacted, &amp;c. :

1. *Appointment and powers of a deputy coroner of both a county and a borough.* (1.) Every coroner, whether for a county or a borough, shall appoint, by writing under his hand, a fit person approved by the chairman or mayor, as the case may be, of the council who appointed the coroner, not being an alderman or councillor of such council, to be his deputy, and may revoke such appointment, but such revocation shall not take effect until the appointment of another deputy has been approved as aforesaid.

(2.) A duplicate of every appointment shall be sent to the said council and be kept among the records of the county or borough as the case may be.

(3.) A deputy may act for the coroner during his illness or during his absence for any lawful or reasonable cause, or at any inquest which the coroner is disqualified for holding, but not otherwise. In the case of a borough coroner the necessity of his so acting shall be certified on each occasion by a justice of the peace, and such certificate shall state the cause of absence of the coroner, be openly read to every inquest jury summoned by the deputy coroner, and be conclusive evidence of the jurisdiction of the deputy to act.

(4.) The deputy of a coroner shall, notwithstanding the coroner vacates his office by death or otherwise, continue in office until a new deputy is appointed, and shall act as the coroner while the office is so vacant in like manner as during the illness of the coroner, and one certificate may extend to the period of the vacancy, and he shall be entitled to receive in respect of the period of the vacancy the like remuneration as the vacating coroner.

(5.) For the purpose of an inquest or act which a deputy of a coroner is authorised to hold or do, he shall be deemed to be that coroner, and have the same jurisdiction and powers and be subject to

the same obligations, liabilities, and disqualifications as that coroner, and he shall generally be subject to the provisions of the Coroners Act, 1887 [50 & 51 Vict. c. 71], and to the law relating to coroners in like manner as that coroner.

(6.) A council may postpone the appointment of a coroner to fill a vacancy, either generally or in any particular case, for a period not exceeding three months from the date at which that vacancy occurs.

(7.) For the purposes of this section the council who appointed a coroner shall—

(a) where the coroner was, in pursuance of any section of the Local Government Act, 1888 [51 & 52 Vict. c. 41], appointed by or on the recommendation of a joint committee, be deemed to be any of the councils who appointed any members of that committee; and

(b) where a coroner for a district of a county is, in pursuance of subsection four of section thirty-four of the Local Government Act, 1888, appointed by the council of any county borough, be deemed to be that council.

(8.) In the case of a county coroner who has been elected before the date on which the provisions of the Local Government Act, 1888, as to the appointment of coroners came into force, the council of any county or county borough, in which the district of the coroner is wholly or partially situated, shall for the purposes of this section be deemed to be the council who appointed the coroner.

2. *Repeal.* The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

3. *Construction of Act and short title.* This Act shall be construed as one with the Coroners Act, 1887, and this Act and that Act may be cited together as the Coroners Acts, 1887 and 1892, and this Act may be cited separately as the Coroners Act, 1892.

## SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section one hundred and seventy-two.
50 & 51 Vict. c. 71.	The Coroners Act, 1887	Section thirteen, and in section thirty-three the words "and the appointment of a deputy by such coroner."

## CHAPTER 57

[Private Street Works Act, 1892.]

An Act to amend the Public Health Acts in relation to Private Street Improvement Expenses.

[28th June 1892.]

Be it enacted, &amp;c. :

1. *Short title, construction, and extent.* This Act may be cited as the Private Street Works Act, 1892, and shall be construed as one with the Public Health Acts, and shall extend only to England; and this Act and the Public Health Acts may be cited together as the Public Health Acts.

2. *Adoption of Act.* This Act shall extend and apply to any urban sanitary district in which it is respectively adopted under the provisions of this Act.

3. *Adoption of Act by urban authorities.* The following provisions shall have effect with regard to the adoption of this Act by urban authorities :

(1.) The adoption shall be by a resolution passed at a meeting of the urban authority; and one calendar month at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it if it is either—

(a.) Given in the mode in which notices to attend meetings of the authority are usually given; or

(b.) Where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid registered letter, addressed to the member at his usual or last known place of abode in England.

(2.) Such resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix, and upon its coming into operation this Act shall extend to that district.

(3.) A copy of the resolution shall be sent to the Local Government Board.

(4.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first publication of the advertisement.

4. *Local Government Board may extend Act to rural district.* The Local Government Board may declare that the provisions contained in this Act shall be in force in any rural sanitary district, or any part thereof, and may invest a rural sanitary authority with the powers, rights, duties, capacities, liabilities, and obligations which an urban authority may acquire by adoption of this Act, in like manner and subject to the same provisions as they are enabled to invest rural sanitary authorities with the powers of urban sanitary authorities under the provisions of section two hundred and seventy-six of the Public Health Act, 1875.

5. *Interpretation.* In this Act, if not inconsistent with the context,—

The expression "urban authority" means an urban sanitary authority under the Public Health Acts.

The expressions "urban sanitary district" and "rural sanitary district" mean respectively an urban sanitary district and a rural sanitary district under the Public Health Acts, and "district" means the district of an urban sanitary authority or of a rural sanitary authority, as the case may require.

The expressions "surveyor," "lands," "premises," "owner," "drain," "sewer," have respectively the same meaning as in the Public Health Acts.

The expression "street" means (unless the context otherwise requires) a street as defined by the Public Health Acts, and not being a highway repairable by the inhabitants at large.

Words referring to "paving, metalling, and flagging" shall be construed as including macadamising, asphalting, graveling, kerbing, and every method of making a carriage-way or footway.

6. *Private street works.* (1.) Where any street or part of a street is not sewered, levelled, paved, metalled, flagged, channelled, made good, and lighted to the satisfaction of the urban authority, the urban authority may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called private street works) ; that is to say, to sewer, level, pave, metal, flag, channel, or make good, or to provide proper means for lighting such street or part of a street ; and the expenses incurred by the urban authority in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting, adjoining, or abutting on such street or part of a street. Any such resolution may include several streets or parts of streets, or may be limited to any part or parts of a street.

(2.) The surveyor shall prepare, as respects each street or part of a street,—

(a.) A specification of the private street works referred to in the resolution, with plans and sections (if applicable);

(b.) An estimate of the probable expenses of the work;

(c.) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act.

Such specification, plans, sections, estimate, and provisional apportionment shall comprise the particulars prescribed in Part I. of the Schedule to this Act, and shall be submitted to the urban authority, who may by resolution approve the same respectively with or without modification or addition as they think fit.

(3.) The resolution approving the specifications, plans, and sections (if any), estimates, and provisional apportionments, shall be published in the manner prescribed in Part II. of the Schedule to this Act, and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment within seven days after the date of the first publication. During one month from the date of the first publication the approval specifications, plans, and sections (if any), estimates, and provisional apportionments (or copies thereof certified by the surveyor), shall be kept deposited at the urban authority offices, and shall be open to inspection at all reasonable times.

7. *Objections to proposed works.*] During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any part of the expenses of executing the works may, by written notice served on the urban authority, object to the proposals of the urban authority on any of the following grounds; (that is to say,)

(a.) That an alleged street or part of a street is not or does not form part of a street within the meaning of this Act;

(b.) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large;

(c.) That there has been some material informality, defect, or error in or in respect of the resolution, notice, plans, sections, or estimate;

(d.) That the proposed works are insufficient or unreasonable, or that the estimated expenses are excessive;

(e.) That any premises ought to be excluded from or inserted in the provisional apportionment;

(f.) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as herein-after provided) in respect of the degree of benefit to be derived by any persons, or the amount or value of any work already done by the owner or occupier of any premises.

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

8. *Hearing and determination of objections.*] (1.) The urban authority at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned, and shall publish a notice of the time and place appointed, and copies of such notice shall be served upon the objectors; and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be, and with the same powers and subject to the same provisions with respect to stating a case, as if the urban authority were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or amend the resolution, plans, sections, estimates, and provisional apportionments, or any of them, on the application either of any objector or of the urban authority. The court may also, if it thinks fit, adjourn the hearing and direct any further notices to be given.

(2.) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court, and the court shall have power, if it thinks fit, to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the urban authority, and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

9. *Incidental works.*] (1.) The urban authority may include in any works to be done under this Act with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street, as regards sewerage, drainage, level, or other matters, into conformity with any other streets (whether repairable or not by the inhabitants at large), including the provision of separate sewers for the reception of sewage and of surface water respectively.

(2.) The urban authority in any estimate of the expenses of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys, superintendence, and notices, and such commission when received shall be carried to the credit of the district fund.

10. *Apportionment of expenses.*] In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting, adjoining, or abutting on the street or part of a street in respect of which the expenses are to be incurred shall, unless the urban authority otherwise resolve, be apportioned according to the frontage of the respective premises; but the urban authority may, if they think just, resolve that in settling the apportionment regard shall be had to the following considerations; (that is to say,)

(a.) The greater or less degree of benefit to be derived by any premises from such works;

(b.) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also, if they think just, include any premises which do not front, adjoin, or abut on the street or part of a street, but access to which is obtained from the street through a court, passage, or otherwise, and which in their opinion will be benefited by the works, and may fix the sum or proportion to be charged against any such premises accordingly.

11. *Amendment of plan, &c.*] The urban authority may from time to time amend the specifications, plans, and sections (if any), estimates, and provisional apportionments for any private street works, but if the total amount of the estimate in respect of any street or part of a street is increased, such estimate and the provisional apportionment shall be published in the manner prescribed in Part II. of the Schedule to this Act, and shall be open to inspection at the urban authority offices at all reasonable times, and copies thereof shall be served on the owners of the premises affected thereby; and objections may be made to the increase and apportionment, and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

12. *Final apportionment and recovery of expenses.*] (1.) When any private street works have been completed, and the expenses thereof ascertained, the surveyor shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment (as the case may be), and such final apportionment shall be conclusive for all purposes; and notice of such final apportionment shall be served upon the owners of the premises affected thereby; and the sums apportioned thereby shall be recoverable in manner provided by this Act, or in the same manner as private improvement expenses are recoverable under the Public Health Act, 1875 [38 & 39 Vict. c. 55], including the power to declare any such expenses to be payable by instalments.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such appointment may, by a written notice

to the urban authority, object to such final apportionment on the following grounds, or any of them:—

(a.) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent.

(b.) That the final apportionment has not been made in accordance with this section.

(c.) That there has been an unreasonable departure from the specification, plans, and sections.

(3.) Objections under this section shall be determined in the same manner as objections to the provisional apportionment.

13. *Charge on premises.*] (1.) Any premises included in the final apportionment, and all estates and interests from time to time therein, shall stand and remain charged (to the like extent and effect as under section two hundred and fifty-seven of the Public Health Act, 1875) with the sum finally apportioned on them, or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment, with interest at the rate of four pounds per centum per annum, and the urban authority shall, for the recovery of such sum and interest, have all the same powers and remedies under the Conveyancing and Law of Property Act, 1881, and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

(2.) The urban authority shall keep a register of charges under this Act and of the payments made in satisfaction thereof, and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for, and the urban authority shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the urban authority.

14. *Recovery of expenses summarily or by action.*] The urban authority, if they think fit, may from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction, or as a simple contract debt by action in any court of competent jurisdiction, from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum, together with interest at a rate not exceeding four pounds per centum per annum, from the date of the final apportionment till payment thereof.

15. *Contribution by urban authority to expenses.*] The urban authority, if they think fit, may at any time resolve to contribute the whole or a portion of the expenses of any private street works, and may pay the same out of the district fund or general district rate or other rate out of which the general expenses incurred under the Public Health Act, 1875, are payable.

16. *Exemption from expenses of incumbent of church.*] The incumbent or minister or trustee of any church, chapel, or place appropriated to public religious worship, which is for the time being by law exempt from rates for the relief of the poor, shall not be liable to any expenses of private street works as the owner of such church, chapel, or place, or of any churchyard or burial ground attached thereto, nor shall any such expenses be deemed to be a charge on such church, chapel, or other place, or on such churchyard or burial ground, or to subject the same to distress, execution, or other legal process, but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the urban authority.

17. *Power for limited owners to borrow for expenses.*] All owners of buildings or lands, being persons who under the Lands Clauses Acts are empowered to sell and convey or release lands, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this Act and the expenses of making such charge, and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum, but so that the principal due

on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years.

**18. Power for urban authority to borrow for private street works.** [The urban authority may from time to time, with the sanction of the Local Government Board, borrow, on the security of the district fund and general district rates or other rate out of which the general expenses incurred under the Public Health Act, 1875, are payable, moneys for the purpose of temporarily providing for expenses of private street works, and the powers of the urban authority to borrow under the Public Health Acts shall be available as if the execution of private street works under this Act were one of the purposes of the Public Health Act, 1875.

**19. Adoption of private streets.** [Whenever all or any of the private street works in this Act mentioned have been executed in a street or part of a street, and the urban authority are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large, they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large, and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large.

**20. On street being paved, &c., urban authority to declare same public highway.** [If any street is now or shall hereafter be severed, levelled, paved, metalled, flagged, channelled, and made good (all such works being done to the satisfaction of the urban authority), then, on the application in writing of the greater part in value of the owners of the houses and land in such street, the urban authority shall, within three months from the time of such application, by notice put up in such street declare the same to be a highway repairable by the inhabitants at large, and thereupon such street shall become a highway repairable by the inhabitants at large.

**21. Separate accounts of expenses of works.** [1.] The urban authority shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this Act relating to private street works.

(2.) All moneys recovered by the urban authority under this Act in respect of street works shall be applied in repayment of moneys borrowed for the purpose of executing private street works, or if there is no such loan outstanding them in such manner as may be directed by the Local Government Board.

**22. Railways and canals abutting but not communicating with streets not to be chargeable with private street expenses.** [No railway or canal company shall be deemed to be an owner or occupier for the purposes of this Act in respect of any land of such company upon which any street shall wholly or partially front or abut, and which shall at the time of the laying out of such street be used by such company solely as a part of their line of railway, canal, or siding, station, towing path, or works, and shall have no direct communication with such street; and the expenses incurred by the urban authority under the powers of this Act which, but for this provision, such company would be liable to pay, shall be repaid to the urban authority by the owners of the premises included in the apportionments, and in such proportion as shall be settled by the surveyor; and in the event of such company subsequently making a communication with such street they shall, notwithstanding such repayment as last aforesaid, pay to the urban authority the expenses which, but for the foregoing provision, such company would in the first instance have been liable to pay, and the urban authority shall divide among the owners for the time being included in the apportionment the amount so paid by such company to the urban authority, less the costs and expenses attendant upon such division, in such proportion as shall be settled by the surveyor, whose decision shall be final and conclusive. This section shall not apply to any street existing at the adoption of this Act.

**23. Expenses of local authority.** [All expenses incurred or payable by an urban authority and a rural sanitary authority respectively in the execution of this Act, and not otherwise provided for,

may be charged and defrayed as part of the expenses incurred by them respectively in the execution of the Public Health Acts.

**24. Powers of Act cumulative.** [All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

**25. Certain sections of Public Health Acts not to apply.** [Neither sections one hundred and fifty, one hundred and fifty-one, and one hundred and fifty-two of the Public Health Act, 1875, nor section forty-one of the Public Health Acts Amendment Act, 1890, shall apply to any district or part of a district in which this Act is in force.

**26. For protection of Conservators of the River Thames.** [This Act shall not extend to prejudice or derogate from the estates, rights, and privileges of the Conservators of the River Thames, or render them liable to any charges or payments in respect of any of their works on or upon the shores of the River Thames.

#### THE SCHEDEULE.

[Sections 6, 11.]

#### PRIVATE STREET WORKS.

##### PART I.

PARTICULARS TO BE STATED IN SPECIFICATIONS, PLANS, AND SECTIONS, ESTIMATES, AND PROVISIONAL APPORTIONMENTS.

**Specifications.**—These shall describe generally the works and things to be done, and in the case of structural works shall specify as far as may be the foundation, form, material, and dimensions thereof.

**Plans and Sections.**—These shall show the constructive character of the works, and the connexions (if any) with existing streets, sewers, or other works, and the lines and levels of the works, subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

**Estimates.**—These shall show the particulars of the probable cost of the whole works, including the commission provided for by this Act.

**Provisional Apportionments.**—These shall state the amounts charged on the respective premises and the names of the respective owners, or reputed owners, and shall also state whether the apportionment is made according to the frontage of the respective premises or not, and the measurements of the frontages, and the other considerations (if any) on which the apportionment is based.

##### PART II.

#### PUBLICATION OF NOTICE.

Any resolution, notice, or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district, and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

#### CHAPTER 58.

[Accumulations Act, 1892.]

An Act to amend the Law respecting Accumulations.

[28th June 1892.]

Be it enacted, &c.:

**1. No accumulation beyond minority.** [No person shall, after the passing of this Act, settle or dispose of any property in such manner that the rents, issues, profits, or income thereof shall be wholly or partially accumulated for the purchase of land only, for any longer period than during the minority or respective minorities of any person or persons who under the uses or trusts of the instrument directing such accumulation would for the time being, if of full age, be entitled to receive the rents, issues, profits, or income so directed to be accumulated.

**2. Short title.** [This Act may be cited as the Accumulations Act, 1892.]

#### CHAPTER 59.

[Telegraph Act, 1892.]

An Act to make further provision respecting Telegraphs.

[28th June 1892.]

#### CHAPTER 60.

[Expiring Laws Continuance Act, 1892.]

An Act to continue various Expiring Laws.

[28th June 1892.]

#### CHAPTER 61.

[Public Works Loans Act, 1892.]

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

[28th June 1892.]

#### CHAPTER 62.

[Shop Hours Act, 1892.]

An Act to amend the Law relating to the Employment of Young Persons in Shops.

[28th June 1892.]

Whereas the health of many young persons employed in shops and warehouses is seriously injured by reason of the length of the period of employment:

Be it therefore enacted, &c.:

**1. Short title.** [This Act may be cited as the Shop Hours Act, 1892.]

**2. Commencement of Act.** [This Act shall come into operation on the first day of September, one thousand eight hundred and ninety-two.

**3. Hours of employment in shops.** [1.] No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week.

(2.) No young person shall to the knowledge of his employer be employed in or about a shop having been previously on or the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16], for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours.

**4. Notice of hours to be given.** [In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop.

**5. Fine for employing persons contrary to the Act.** [Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed.

**6. Power of occupier to exempt himself from fine on conviction of actual offender.** [Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

**7. Summary proceedings.** [All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland,

so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

**8. Appointment of inspectors.** [The council of any county or borough, and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions, and sections sixty-eight and seventy of the Factory and Workshop Act, 1878, shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.]

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

**9. Interpretation.** [In this Act, unless the context otherwise requires—

"Shop" means retail and wholesale shops, markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public-houses and refreshment houses of any kind:

"Young person" means a person under the age of eighteen years:

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16].

**10. Exemption of members of the same family, and servants.** [Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer's family so dwelling, or to any person wholly employed as a domestic servant.

### CHAPTER 63.

[*Technical Instruction Amendment (Scotland) Act, 1892.*]

An Act to explain and amend the Local Taxation (Customs and Excise) Act, 1890, with respect to Contributions for Technical Instruction in Scotland. [28th June 1892.]

### CHAPTER 64.

[*Witnesses (Public Inquiries) Protection Act, 1892.*]

An Act for the better Protection of Witnesses giving Evidence before any Royal Commission or any Committee of either House of Parliament, or on other Public Inquiries.

[28th June 1892.]

Be it enacted, &c. :

**1. Definition.** [In this Act the word "inquiry" shall mean any inquiry held under the authority of any Royal Commission or by any committee of either House of Parliament, or pursuant to any statutory authority, whether the evidence at such inquiry is or is not given on oath, but shall not include any inquiry by any court of justice.

**2. Persons obstructing or intimidating witnesses guilty of misdemeanor.** [Every person who commits any of the following acts, that is to say, who threatens, or in any way punishes, damages, or injures, or attempts to punish, damage, or injure, any person for having given evidence upon any inquiry, or on account of the evidence which he has given upon any such inquiry, shall, unless such evidence was given in bad faith, be guilty of a misdemeanor, and be liable upon conviction thereof to a maximum penalty of one hundred pounds, or to a maximum imprisonment of three months.

**3. Prosecution of offences.** [A prosecution for any offence under this Act may be heard and determined by a court of summary jurisdiction under the Summary Jurisdiction Acts, provided that should either the complainant or the party charged object to the case being dealt with summarily, the court shall send such case for trial to the quarter sessions or assizes, or in cases arising within the metropolitan area to the central criminal court.

**4. Court to have power to award costs and compensation to party aggrieved.** [It shall be lawful for any court before which any person may be convicted of any offence under this Act, if it thinks fit, in addition to sentence or punishment by way of fine or imprisonment, to condemn such person to pay the whole or any part of the costs and expenses incurred in and about the prosecution and conviction

for the offence of which he shall be convicted, and, upon the application of the complainant, and immediately after such conviction, to award to complainant any sum of money which it may think reasonable, having regard to all the circumstances of the case, by way of satisfaction or compensation for any loss of situation, wages, status, or other damage or injury suffered by the complainant through or by means of the offence of which such person shall be so convicted, provided that where the case is tried before a jury, such jury shall determine what amount, if any, is to be paid by way of satisfaction or compensation.

**5. Costs and compensation to be a judgment debt.** [The amount awarded for such satisfaction or compensation, together with such costs, to be taxed by the proper officer of the court, shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and be recoverable accordingly.]

**6. Application to Scotland.** [In the application of this Act to Scotland the following modifications shall have effect:—

- (1.) A court of summary jurisdiction means the sheriff.
- (2.) If the complainant or the party charged, as in section three of this Act mentioned, objects to the case being dealt with summarily, it shall be sent for trial by the sheriff with a jury, or by the High Court of Justice, as Her Majesty's Advocate shall direct.
- (3.) Judgment debt means a civil debt, and such debt may be recovered in any competent court.

**7. Saving.** [Nothing in this Act contained shall in any way lessen or affect any power or privilege possessed by either House of Parliament, or any power given by statute in the premises.]

**8. Short title.** [This Act may be cited as the Witnesses (Public Inquiries) Protection Act, 1892.]

### CHAPTER 65.

[*Drainage and Improvement of Land (Ireland) Act, 1892.*]

An Act to amend the Law relating to the Drainage and Improvement of Land in Ireland, and for other purposes. [28th June 1892.]

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